

A P P E A R A N C E S

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His Honour Judge Peter Smithwick

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A WORD INDEX IS PROVIDED AT THE BACK OF THIS TRANSCRIPT.
THIS IS A USEFUL INDEXING SYSTEM, WHICH ALLOWS YOU TO QUICKLY SEE
THE WORDS USED IN THE TRANSCRIPT, WHERE THEY OCCUR AND HOW OFTEN.

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TRIBUNAL RESUMED ON THE 25TH JULY 2012 AS FOLLOWS:

CHAIRMAN: Morning ladies and gentlemen, sorry to keep you waiting.

MR. DILLON: Mr. Chairman, thank you very much for giving us time, there was a bit of work that needed to be done this morning. We are in a position to proceed and today we have two witnesses for you. The first is Detective Chief Superintendent Roy McComb, please.

D/CHIEF SUPERINTENDENT ROY McCOMB HAVING BEEN SWORN, WAS
EXAMINED BY MR. DILLON AS FOLLOWS:

1 Q. MR. DILLON: Now, Detective Chief Superintendent, if I'm
correct, you appeared before the Chairman a couple of weeks
ago to give recent -- sorry, intelligence that had been
gathered comparatively recently in relation to the
Tribunal's terms of reference, isn't that right?

A. Yes, sir, I did.

2 Q. And I think it's as a consequence of that exercise that, as
I understand it, a trawl was carried out both by the PSNI
and by the security services to see what other, if any,
information those services might hold in respect to the
Tribunal's work, is that right?

A. That's correct.

3 Q. And I think that this exercise has yielded fruit in terms
of five items of intelligence which have been found, isn't
that right?

A. That's correct.

4 Q. Now, I am going to, first of all, ask you to deal with a
few general matters before we go into the specifics. In
regard to the items of intelligence, can you tell the
Chairman how they can be, when I say graded I don't mean as
in numbers, but how they can assessed?

A. The assessment in relation to the intelligence is that all
of the intelligence is accurate and reliable.

5 Q. And does it come from one or multiple sources?

A. The intelligence comes from multiple sources.

6 Q. And can you give the Chairman an idea, the time span during
the course of which this intelligence was received?

1 A. The intelligence was received over a period of time but is
2 in the period during the course of the Tribunal.

3 7 Q. So that effectively means what, the last five years, is
4 that right?

5 A. Yes, sir.

6 8 Q. Very well. And what we're dealing with here are five bits
7 of intelligence. Were they documents that were on
8 different files or different systems, is that how they came
9 to light or...?

10 A. There is five pieces of intelligence. They were within
11 systems held by both the police service and the security
12 service and they were uncovered, as you said earlier, as a
13 consequence of the most recent intelligence which led to a
14 further search of systems.

15 9 Q. Very well. I'm going to ask Mr. Mills to put it up on the
16 screen, please, and I will read out each item and if you
17 wouldn't mind confirming what is read out is a correct
18 rendition of the intelligence that it held on the files of
19 the PSNI and the security services.

20

21 The first one is:

22 *"Intelligence relating to PIRA indicates that PIRA had*
23 *received information regarding Chief Superintendent Breen*
24 *and Superintendent Buchanan from a detective AGS officer*
25 *who had not been publically associated to the Smithwick*
26 *Tribunal and that this individual had been paid a*
27 *considerable amount of finance for this information."*

28 Is that a correct rendition of what was on the files?

29 A. Yes, sir.

30 10 Q. The second one is as follows:

1 *"Intelligence indicates that this AGS officer also provided*
2 *information in relation to Tom Oliver and continued to*
3 *provide a variety of information to PIRA for a number of*
4 *years. It is believed that this AGS officer is now*
5 *retired. This AGS officer was handled as a source by a*
6 *senior member of PIRA."*

7 Again can you confirm that's a correct rendition?

8 A. I can, yes.

9 11 Q. Thank you. The next one is:

10 *"Separate intelligence indicates that a senior AGS member*
11 *in Dundalk provided the IRA with the intelligence that*
12 *enabled PIRA to murder Chief Superintendent Breen and*
13 *Superintendent Buchanan."*

14 Again is that an accurate reflection?

15 A. Yes, sir.

16 12 Q. The fourth one is:

17 *"Additional intelligence regarding the murders of Chief*
18 *Superintendent Breen and Superintendent Buchanan indicated*
19 *that an AGS officer played a role in passing the details of*
20 *the officers' movements to PIRA. Intelligence also exist*
21 *to link a criminal from the border area to their*
22 *targeting."*

23 Is that a correct rendition?

24 A. Yes, sir, it is.

25 13 Q. And then:

26 *"Intelligence indicates that a former AGS officer, Jim*
27 *Lane, who was based in Dundalk area frequently expressed*
28 *his concerns to associates that fellow AGS officers Finbarr*
29 *Hickey and Leo Colton and Owen Corrigan had unethical*
30 *relationships with PIRA members in the border area."*

1

2

Again is that a correct rendition?

3

A. Yes, sir, it is.

4

14 Q. I think it's the case that you verified this morning that these, what's set out here is a correct rendition of the information held on the various files, is that right?

5

6

7

A. Yes, it is.

8

15 Q. One question you might be able to assist the Chairman with, and it's in the third item of intelligence which is:

9

10

"Separate intelligence indicates that a senior AGS

11

member..." Is there any initial of what "senior" might mean?

12

13

A. No, sir, I can't add any more to that. That's how the intelligence is expressed that I have viewed.

14

15

16 Q. Thank you.

16

17

MR. DILLON: Chairman, there is another matter I wish to raise with this witness, it's an entirely separate matter but I'll stop at this point should anybody wish to ask questions in relation to the evidence given.

18

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21

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CHAIRMAN: Any questions? Mr. Durack?

23

24

THE WITNESS WAS CROSS-EXAMINED BY MR. DURACK AS FOLLOWS:

25

26

17 Q. MR. DURACK: Now, Detective Chief Superintendent, you are attached to the PSNI, isn't that right?

27

28

A. Yes, sir.

29

18 Q. Now, can you say whether this information emanated from the PSNI or from the BSS?

30

1 A. From the PSNI.

2 19 Q. It originated with the PSNI?

3 A. Yes.

4

5 CHAIRMAN: What was the other...

6

7 MR. DURACK: The question was whether it was the British
8 Secret Service was the original source of this information
9 or whether it was the PSNI.

10 A. I think it's the British Security Service but it's the
11 Police Service of Northern Ireland.

12 20 Q. Sorry, the question I am asking is, is it the Police
13 Service of Northern Ireland or is it the British Secret
14 Service? What I am saying is this a document that comes
15 from other than the PSNI?

16 A. The intelligence is from the PSNI.

17 21 Q. Is that where it originated?

18 A. Yes.

19 22 Q. Have you seen the files?

20 A. I have seen the intelligence.

21 23 Q. Sorry, have you seen the files bearing the original
22 intelligence?

23 A. I have seen the intelligence documents that have been
24 provided to me.

25 24 Q. Are you saying that what has been provided to you is this
26 piece of paper?

27 A. No. I have seen the document from which -- the documents
28 from which this document has been created.

29 25 Q. You have seen the originals?

30 A. I have seen the intelligence documents that supports the

1 creation --

2 26 Q. Is there a difficulty about answering the question? Have
3 you seen the originals?

4 A. I have seen the intelligence, if that's what you mean by
5 the originals.

6 27 Q. Sorry, what's the difficulty with agreeing whether you have
7 seen the original documents or not?

8 A. I am sorry, I am at a loss as to how to express this
9 differently. I have seen the intelligence. By that is the
10 original documentation. The intelligence created this
11 document.

12 28 Q. And is that intelligence on SB50s?

13 A. The intelligence is on the modern day equivalent of SB50s.
14 The SB50 system is not in use any more, as I understand it.

15 29 Q. And did it come from the PSNI system or from any other
16 system?

17 A. It's from the PSNI.

18 30 Q. Now, to deal with the first item. It refers to a Detective
19 Garda officer who has not been publicly associated with the
20 Smithwick Tribunal. Does the intelligence provide a name
21 for that person?

22 A. I can't provide any other information than what's in front
23 of you, sir.

24 31 Q. Does it provide a name?

25 A. I am sorry, I can't provide any more information...

26 32 Q. What I need to know is, if you can say it is somebody that
27 has not been publicly associated with this Tribunal, it
28 must be somebody who is named?

29 A. At the risk of repeating myself, I am not in a position to
30 provide any more information other than what is in front of

1 me.

2 33 Q. I don't want you to tell me who they are, but are you in a
3 position to identify who the handlers of this were?

4 A. No.

5 34 Q. Does the original intelligence not indicate who the
6 handlers were?

7 A. It would do, yes.

8 35 Q. And are we talking about the same handlers in each case for
9 the five documents?

10 A. I'm not in a position to answer that.

11 36 Q. Is that because you don't know or you are not in a position
12 to say?

13 A. I am not in a position to say.

14 37 Q. But you do know?

15 A. I'm not in a position to answer the question at this point
16 in time, it would require further research and some
17 instructions.

18 38 Q. You see, what I don't understand is that this Tribunal has
19 been in existence for some seven years. There has been
20 regular contact between the PSNI and the Tribunal. How can
21 this information have come in during the duration of the
22 inquiries being conducted by this Tribunal and not been
23 adverted to by whoever received it as being a matter that
24 was relevant to this Tribunal?

25 A. I can tell you that the intelligence was available during
26 the course of the Tribunal and it was as a consequence of
27 the previous intelligence that was given that further
28 research was conducted. I can't answer why the information
29 was not provided at the original moment that it was made
30 available to the police.

1 39 Q. Because, I mean it must be quite clear that when this was
2 received, whoever received it at Special Branch
3 Headquarters or wherever it was received, must have been
4 able to perceive immediately that it was relevant to the
5 work of this Tribunal?

6 A. I can't answer that. I didn't receive the intelligence.

7 40 Q. But looking at it, isn't it quite clear, even from what
8 this limited information we have been given, that it was
9 obviously relevant to the Tribunal?

10 A. Well it is relevant insofar as it's been brought forward at
11 this point. What decisions were made at the time, I'm
12 afraid I can't comment on, I wasn't involved in that
13 decision making.

14 41 Q. Well who was making the decisions?

15 A. I'm afraid I don't have that information.

16 42 Q. Can that information be ascertained?

17 A. I am sure we could make further inquiries into it.

18 43 Q. So it is ascertainable?

19 A. I would be speculating but the information was on police
20 systems, it was available to the security services. I
21 can't answer who made the decisions or what the decisions
22 were at the time the intelligence came in, I wasn't
23 involved in that process at that time.

24 44 Q. Can I ask you, when did you first become involved in this?

25 A. Within the last number of days.

26 45 Q. Within the last number of days?

27 A. Yes.

28 46 Q. And what was your involvement in the last number of days?

29 A. There was a determination that this document, or the
30 intelligence that is on this document would be available to

1 the Tribunal and I was asked to act as a witness to enable
2 the intelligence document to be made available to the
3 Tribunal.

4 47 Q. Well, has the original intelligence been provided to the
5 Tribunal?

6 A. No.

7 48 Q. So this is all that is being provided to the Tribunal?

8 A. Yes.

9 49 Q. And though that is ascertainable, presumably, who the
10 person referred to in item 1 as being the Detective Garda
11 officer not publicly associated to the Tribunal, that
12 person has not been identified to the Tribunal?

13 A. I can't provide any more details about that other than what
14 is in your hand.

15 50 Q. Can you tell us when the first item came into existence? I
16 don't want to you nail it down to day or a week but...

17 A. No. I can tell you that the intelligence came in, as I
18 mentioned earlier, during the course of the Tribunal.

19 51 Q. So you can narrow it down to six years, is that it?

20 A. During of the course of the Tribunal.

21 52 Q. And you are not even allowed say whether during the course
22 of the Tribunal is six years, three years or five years?

23 A. No, sir.

24 53 Q. There is a reference to the person named in the first item
25 as having been given a significant amount of finance. What
26 is the nature of the sums that are referred to there?

27 A. I am afraid I can't add any further details than what's in
28 the intelligence document.

29 54 Q. And presumably the handlers are ascertainable and
30 presumably from the handlers being ascertainable and

1 identifiable, that the source is identifiable to those
2 handlers?

3 A. I would be speculating upon speculation there. I am afraid
4 I don't know how to answer that question.

5 55 Q. Is that not a reasonable assumption, that if the document
6 is created, it must have a reference on it as to who
7 provided it?

8 A. Oh, it is provenanced, I can tell you, the intelligence was
9 provenanced, it could be traced back, but I'm afraid I
10 can't add any more to what is in front of you.

11 56 Q. And it could be traced back both through the handlers to
12 the original source, isn't that right?

13 A. Yes.

14 57 Q. And equally, a date could be provided within a parameter,
15 if that was the will of the supplier, isn't that right?

16 A. Well the date would be known, so it is available. It's not
17 that it's an undated document but I am afraid I am not in a
18 position to give you a date at this point.

19 58 Q. So therefore this Tribunal is not in a position to assess
20 what worth is to be given to this first item of
21 intelligence?

22 A. That's a matter for the Tribunal.

23 59 Q. But you are not in a position to provide it with any
24 further information that either might enable it to conduct
25 inquiries or enable it to assess its reliability?

26 A. Not at this point. This is the extent to which I'd be able
27 to assist the inquiry at this point today, sir.

28 60 Q. Because you are aware that this Tribunal is in its closing
29 phase?

30 A. I am.

1 61 Q. And when do you expect that you might be in a position to
2 provide this information?

3 A. Well I didn't say I was in a position to provide that. I
4 said that I'm saying to you today this is the extent to
5 which I am able to provide this information to the
6 Tribunal.

7 62 Q. Now, in relation to the second piece of intelligence
8 referred to, I take it that the handlers are identifiable
9 in relation to that?

10 A. Yes, they would be.

11 63 Q. And I take it that the source is identifiable in relation
12 to that?

13 A. Yes.

14 64 Q. I see it indicates that it's "*this garda officer*" which
15 would appear to suggest that it's the same person referred
16 to in item 1?

17 A. Yes.

18 65 Q. So, presumably, that is an identifiable person?

19 A. Well I wouldn't presume that.

20 66 Q. Sorry, if it had been possible to say that it wasn't a
21 person publicly associated with the Tribunal, it must have
22 been somebody who was identifiable?

23 A. No, I am not saying that the person is identifiable. I can
24 simply say that the intelligence which you hold is a
25 reflection of the intelligence I have seen. Whether the
26 person is identifiable is not within my gift at this point.

27 67 Q. Sorry, I mean the first item says "*an AGS officer who has*
28 *not been publicly associated with the Tribunal.*" Therefore
29 it must be identifiable because one has to decide if it's
30 somebody who hasn't been associated with the Tribunal,

1 isn't that right?

2 A. Well it's nobody has been identified to the Tribunal, I
3 don't have the identity of the person. I don't have the
4 identity --

5 68 Q. It is, nonetheless, the same person in the second item as
6 in the first?

7 A. Yes, I believe the first document and the second -- the
8 first paragraph and the second document refer to the same
9 individual also.

10 69 Q. And then, presumably, the handlers who received that
11 information are identifiable and, presumably, the source is
12 identifiable? I don't want you to tell me who it is, but I
13 presume they are identifiable?

14 A. Yes, the provenance of the intelligence allows the
15 identification of both the handlers and the source of the
16 intelligence.

17 70 Q. And equally, the intelligence would be graded on some
18 basis?

19 A. Yes, it would be.

20 71 Q. And you can't tell us, even in broad terms, what time that
21 this was said?

22 A. Other than to repeat the expression that I have used
23 previously. It was received during the course of the
24 Tribunal.

25 72 Q. And the fact is that you have been given this document and
26 you are not allowed or permitted to go outside it, the
27 wording that is used here?

28 A. That's correct, sir.

29 73 Q. Now, it says in relation to the second item that it
30 provided information in relation to Tom Oliver and a

1 variety of other information over a number of years. Do we
2 know what that other information is?

3 A. I am afraid I can't go further than that, sir.

4 74 Q. Is that ascertainable from the intelligence? Presumably
5 the nature of the information is ascertainable from the
6 original intelligence.

7 A. It would need to be checked again against the original
8 intelligence.

9 75 Q. But you have done that?

10 A. Which I have done, and I am satisfied, having read the
11 original intelligence and this document, that it is a
12 reflection of the original intelligence, but specifically
13 what it says I'm not in a position to assist at this time.

14 76 Q. And it is believed that this garda officer is now retired.
15 Then it says "*This garda officer was handled as a source by*
16 *a senior member of PIRA.*" Presumably that senior member is
17 also identified in the intelligence?

18 A. I believe that is the case, sir, yes.

19 77 Q. Then the third item deals with a "*Separate intelligence*".
20 Now, do I take it from that, the use of the word
21 "separate", that that means that it's not coming from the
22 same source or handlers as 1 and 2?

23 A. There were five pieces of intelligence. Each of these
24 pieces is regarded as separate. The connection one to the
25 other, I think 1 and 2, as we have mentioned earlier on, I
26 think refers to the same AGS officer. I can't assist you
27 further as to whether it's the same handlers or the same
28 source. The third intelligence is a third piece of
29 intelligence collected separately.

30 78 Q. But is, presumably, identifiable who the handlers were, who

1 the source was, and can you tell us, then, what is the
2 significance of a "*senior garda member in Dundalk*"?

3 A. The intelligence is provenanced. It can be traced back to
4 both the handlers and the source. I can't comment further
5 as I've said to counsel to the Tribunal, what "senior"
6 refers to, whether it refers to longevity or rank or
7 experience, I can't add anything further to that.

8 79 Q. Because it specifically uses the word "Detective" in number
9 1.

10 A. Yes.

11 80 Q. But number 3 uses the word "Senior". Whereas, I presume we
12 all know that detective is the lowest rank, isn't that
13 correct?

14 A. Well detective is a status as opposed to a rank.

15 81 Q. Sorry, of course it is. But it is, nonetheless it's an
16 entry point into the, if you like, the plain clothes end of
17 business?

18 A. If you are a detective garda, in the same way as in
19 Northern Ireland, a detective constable would be the junior
20 rank in the detective world.

21 82 Q. Yes. Now, it says here then, "*... provided PIRA with the*
22 *intelligence that enabled PIRA to murder Chief*
23 *Superintendent Breen and Superintendent Buchanan.*"
24 The information currently available to this Tribunal is
25 that this operation, the planning of the murders of
26 certainly Superintendent Buchanan, whether Mr. Breen was an
27 accident or not, had been in place for sometime. Do you
28 know the nature of the intelligence or is it ascertainable
29 that it's alleged to have been given to PIRA in relation to
30 it?

1 A. I am afraid I can't go beyond the intelligence document
2 that's in your hands, sir.

3 83 Q. Okay. The fourth item refers to "additional intelligence"
4 whereas "separate" is what is used in number 3, "separate
5 intelligence," number 4 is "additional intelligence."
6 What's the significance of the use of "additional" do you
7 know?

8 A. I'm not sure that there is any particular significance to
9 that. That's the terminology that has been approved to be
10 used for the Tribunal. The significance, I'm afraid I'm
11 not in a position to explain.

12 84 Q. And it indicated that a garda officer played a role in
13 passing the details of the officers' movements to PIRA.
14 Does the intelligence indicate what movements or
15 information was given to PIRA?

16 A. I am afraid I can't go further than what's in front of you.

17 85 Q. Because the information that the Tribunal has is that the
18 meeting for two o'clock in the afternoon was not arranged
19 until half ten in the morning and that the operation was in
20 place very, very shortly after the arrangement was entered
21 into and before, when it was known only to the parties to
22 the arrangement, that was Chief Superintendent Nolan and
23 Mr. Buchanan, isn't that correct?

24 A. I am afraid I can't comment.

25

26 MR. DILLON: Chairman, I think there is a bit of a
27 paraphrasing of the evidence there, but it does seem that
28 other members were aware of the arrival of the two
29 officers, but I'll leave it at that.

30

1 MR. DURACK: Sorry, that's their arrival in the station.
2 I'm talking about half ten in the morning.

3

4 MR. DILLON: I am sorry, but you are correct, I am
5 corrected, we're aware that they were coming, I'll leave it
6 at that.

7

8 CHAIRMAN: Yes.

9

10 86 Q. MR. DURACK: And can you tell us then who the -- it's
11 ascertainable I take it -- "*Intelligence also exists to*
12 *link a criminal from the border area in their targeting.*"
13 I take it that is an identifiable person?

14 A. I am afraid I can't go beyond the intelligence. I have
15 read the intelligence that supports this document and I
16 don't believe it is ascertainable at this point.

17 87 Q. I presume it's a named person?

18 A. I haven't seen any name.

19 88 Q. You haven't seen a name?

20 A. No.

21 89 Q. But surely it would be of very little use, as any
22 intelligence, to merely say a criminal in the border area.
23 It could be any one of perhaps thousands of people. It
24 must be an identifiable person, surely?

25 A. I am afraid I can't help you on that. I just don't have
26 that.

27 90 Q. I see. And then number 5, again, you can't tell us when it
28 was, but it's in relation to a former garda officer Jim
29 Lane who was based in Dundalk frequently expressed his
30 concern to associates that his fellow officers, Hickey,

1 Colton and Corrigan had unethical relationships with PIRA
2 members in the border area.

3 A. Yes.

4 91 Q. Again, I presume the source of that is available and the
5 handlers are available?

6 A. Yes, that can all be provenanced to both the handlers and
7 to the source of the intelligence.

8 92 Q. I think the Tribunal is aware that Mr. Lane has given
9 evidence to the Tribunal directly contradicting what is
10 stated in this.

11

12 And your view is that -- or sorry, it's not your view, the
13 system had assessed the various information, each of the
14 items, is that correct?

15 A. Yes, the intelligence was assessed.

16 93 Q. And certainly it appears to have assessed certainly number
17 1 and 2, which would appear to indicate that the person who
18 was referred to there as having provided information to
19 PIRA was not any person who has been identified at this
20 Tribunal?

21 A. Yes, that's what the intelligence says.

22 94 Q. Now, can you help us -- I know you don't want to go any
23 further than saying it came into existence in the last five
24 or six years -- but can you tell us, as the items are
25 placed in order on the sheet of paper, is that the order in
26 which they were received from a date point of view?

27 A. I can't comment in which order they came in. I don't
28 believe that that is -- in fact I know that that is not
29 necessarily the order.

30 95 Q. It's not necessarily the order, but it may be?

1 A. There may be some patterns, I don't believe it is -- I
2 don't think you would read that 1 to 5 as the sequence upon
3 which the intelligence was received.

4 96 Q. I see. So it wasn't you, then, who prepared this document
5 and put them in this sequence?

6 A. No, sir.

7 97 Q. So somebody else did, and whether in fact they reflect
8 their order in time you didn't check or when you were
9 comparing it with the originals, is that the position?

10 A. No, I have read the intelligence and I am aware of the date
11 of when the intelligence was generated, but I'm afraid
12 right here, right now I'm not in a position to give you any
13 clarification as to whether it follows a sequence.

14 98 Q. But is it reasonable to assume that whoever prepared this
15 document was operating in a date order?

16 A. I wouldn't wish to speculate on that.

17 99 Q. Well, can you tell us when the last of them was received?

18 A. No further than within the course of the Tribunal I am
19 afraid. It is still running so I can't help you any
20 further than that.

21 100 Q. Any one of them could have been received at any stage in
22 the past six years?

23 A. They have been received within the course of the Tribunal.
24 I am afraid I can't assist you any further.

25 101 Q. And I presume that whoever prepared this document is also
26 an ascertainable person and who, for whatever reason,
27 placed them in the order in which they appear?

28 A. Yes.

29 102 Q. And as far as your instructions are and your information
30 is, you can't go any further than what is printed on the

1 page?

2 A. No, I am afraid I can't.

3 103 Q. I appreciate that you are largely the messenger to bring
4 this information. Were you not concerned to provide the
5 Tribunal with an explanation as to why none of these items
6 which were clearly relevant to its business were brought to
7 its notice before its final phase?

8 A. I have asked the question. And the instructions that I
9 have are that the intelligence was available whenever it
10 was generated, but for reasons that I'm not in a position
11 to assist the Tribunal with at this point, it was not
12 provided and it was as a consequence of the previous
13 intelligence that I provided that a review was conducted to
14 see if there was any additional material that could be
15 provided, and as a consequence, these five documents were
16 produced.

17 104 Q. I take it then, that over a period of time, an extended
18 period of time, that there must have been several people
19 involved in making the decision not to disclose these
20 various items; that it didn't all lie with one person, I
21 take it?

22 A. I think that would be speculation on my part. I don't know
23 the individuals who made that decision at this point.

24 105 Q. But I think it was well known within the Police Service of
25 Northern Ireland that this Tribunal was conducting an
26 investigation into these matters; it's a matter of public
27 record?

28 A. Yes.

29 106 Q. So somebody, or a number of people, made decisions over
30 time that these five items were not to be closed?

1 A. Decisions were made that the documentation would not be
2 shared. I am afraid I can't assist you at this point as to
3 who made those decisions or when those decisions were made.

4

5 MR. DURACK: There may be further issues that arise, but
6 for the moment, thank you very much indeed.

7

8 **THE WITNESS WAS CROSS-EXAMINED BY MR. O'CALLAGHAN AS**
9 **FOLLOWS:**

10

11 107 Q. MR. O'CALLAGHAN: Mr. McComb, I appear for Owen Corrigan.

12 A. Yes, sir.

13 108 Q. From whom do you get your instructions?

14 A. I am appointed to represent the Police Service of Northern
15 Ireland. My line manager is the Assistant Chief Constable
16 of the Crime Operations Department.

17 109 Q. Assistant Chief Constable of where?

18 A. Crime Operations Department.

19 110 Q. Did you receive any instructions from the Northern Ireland
20 Office in respect of the evidence that you are giving
21 today?

22 A. No.

23 111 Q. Did you receive any instructions from the British Secret
24 Service in respect of the evidence you are giving today?

25 A. My conversations have been with colleagues within the
26 Police Service of Northern Ireland.

27 112 Q. And have they, those colleagues been in conversation with
28 the British Secret Service in respect of this evidence you
29 are giving?

30 A. I don't wish to be pedantic on this. It's the British

1 Security Service. The British Secret Service is a
2 different agency.

3 113 Q. The service that you referred to was the British Secret
4 Service, is that correct?

5 A. British Security Service.

6 114 Q. Were your colleagues in touch with the British Security
7 Service?

8 A. Yes, sir, they were.

9 115 Q. Who initiated contact between the PSNI and the British
10 Security Service in respect of this evidence?

11 A. I am afraid I don't have that answer.

12 116 Q. Is it your belief that the British Security Service came to
13 the PSNI and said they had some intelligence?

14 A. I am afraid I don't have that answer either.

15 117 Q. Did these pieces of intelligence, are they at present held
16 by the PSNI?

17 A. Yes, sir, they are.

18 118 Q. So they are PSNI documents?

19 A. Yes, they are.

20 119 Q. What, then, was the involvement of the British Security
21 Service?

22 A. These would be considered matters of national security.
23 The primacy for matters of national security in Northern
24 Ireland stays, sits with the security service.

25 120 Q. Am I to take it from that that the PSNI initially
26 discovered these pieces of intelligence and then sought
27 assistance from the British Security Service?

28 A. I am afraid I'd be speculating as to which came first. I
29 don't know whether it was from within the PSNI or whether
30 it was initiated as a consequence of conversations with the

1 security service, I'd be speculating on that point.

2 121 Q. You are aware that for the past seven years this Tribunal
3 has been investigating my client Owen Corrigan, aren't you?

4 A. I am.

5 122 Q. And you are aware that Mr. Corrigan has been publicly
6 associated with the Smithwick Tribunal, isn't that correct?

7 A. I am.

8 123 Q. And the PSNI have had intelligence for the past seven years
9 indicating that my client was not involved in the murders
10 of Breen and Buchanan, isn't that correct?

11 A. Well if you are referring to the document in front of me,
12 all I can reflect is what is in front of me.

13 124 Q. Yeah.

14 A. The judgment as to what it does or does not mean is a
15 matter for the Tribunal.

16 125 Q. Well it's a matter for you actually Mr. McComb, because who
17 prepared this document?

18 A. It was given to me by colleagues within the police service.

19 126 Q. And who prepared it?

20 A. A colleague within the police service, as I understand it.

21 127 Q. So this is typed up by somebody in the PSNI, having looked
22 at the pieces of intelligence, is that correct?

23 A. Well it would have been prepared in conjunction with the
24 security service. Who physically, who was preparing it?
25 My understanding is it was a PSNI officer, but it may be,
26 it may have been somebody within security service.

27 128 Q. So it could have been a document generated by the security
28 service, is that correct?

29 A. It may well have been, yes.

30 129 Q. And, of course, the security service -- when did you

1 receive this document?

2 A. Yesterday.

3 130 Q. Okay. So the security service, or the PSNI type up the
4 Smithwick Tribunal and today's date for your evidence,
5 isn't that so?

6 A. The document, the paragraphs that are in front of you was
7 prepared by -- was provided by the police service, probably
8 in conjunction with the security service. The heading and
9 the footing was provided, I think, by the Tribunal.

10 131 Q. And since you have already accepted that my client has been
11 publicly associated with the Smithwick Tribunal, clearly
12 the two first pieces of intelligence don't apply to him,
13 isn't that so?

14 A. He is not named.

15 132 Q. He is not the person referred to in the intelligence,
16 Mr. McComb?

17 A. The intelligence says what it says. Your client is not
18 named.

19 133 Q. Yeah. So, the PSNI have had, for seven years, information,
20 intelligence suggesting that someone else was involved in
21 allegedly setting up these two RUC officers and you did
22 nothing to provide it to this Tribunal?

23 A. The intelligence has been held during the course of the
24 Tribunal. I would be speculating as to when -- I would be
25 going beyond my remit to say how long. When you said seven
26 years, I said during the course of the Tribunal. The
27 intelligence has been held and it has now been provided.

28 134 Q. You said in your evidence that a decision was made that the
29 intelligence would not be shared?

30 A. That's right.

1 135 Q. That it was not provided?

2 A. That's right.

3 136 Q. A conscious decision was made by the PSNI not to disclose
4 this information to the Tribunal, isn't that correct?

5 A. No. The intelligence -- the decision to not share it was
6 made. I do not know who made that decision and I'd be
7 speculating to say it was a member of the PSNI made that
8 decision.

9 137 Q. Do you not see the unfairness to my client in you not
10 giving this information to the Tribunal at a much earlier
11 stage?

12 A. I can understand your point, yes.

13 138 Q. Okay. And if you think about the, and I use this in a very
14 broad term, the evidence against Mr. Corrigan, one, the RUC
15 and the PSNI decided to provide an SB50 to this Tribunal
16 which named Mr. Corrigan, you are aware of that?

17 A. I am, yes.

18 139 Q. So I have to put to you that if Mr. Corrigan was named in
19 any of these pieces of intelligence, save the reference to
20 him in the last one, that he would have been identified on
21 this sheet of paper, isn't that so?

22 A. The intelligence would have reflected what is able to be
23 given to the Tribunal.

24 140 Q. What you did and what the PSNI did, Mr. McComb, is it hung
25 Owen Corrigan out to dry, isn't that correct?

26 A. No, I don't believe that is the case.

27 141 Q. You had information which clearly indicated that there was
28 intelligence there which confirms that he was not involved
29 in this and you didn't disclose it?

30 A. There was a variety of pieces of intelligence there. The

1 first two, as you mentioned, do not mention your client, do
2 not refer to your client, but they are not available to the
3 Tribunal, and they could have been provided at an earlier
4 point but they weren't.

5 142 Q. Are you suggesting that the third and the fourth piece of
6 intelligence refer to my client?

7 A. I am not suggesting that. You mentioned the first two and
8 I am simply reflecting that.

9 143 Q. And will you confirm, to display some fairness by the PSNI
10 to my client, that 3 and 4 don't refer to him either?

11 A. Paragraphs 3 and 4 make no reference to your client.

12 144 Q. Your counsel said to my client last week that he had
13 betrayed his oath. In light of the unfairness that the
14 PSNI have engaged in to my client, are you prepared to
15 apologise to Owen Corrigan for not revealing this
16 information earlier?

17

18 MR. ROBINSON: Mr. Chairman, if Mr. O'Callaghan is going to
19 quote from the transcript, let him quote exactly why I said
20 he breached his oath. I read out the oath and what I put
21 to Mr. Corrigan was that he failed to pass on intelligence
22 relating to the murder investigation that he held from '89
23 until 2012. That is the rationale and that is the basis
24 upon which I said that Mr. Corrigan had breached his oath.
25 So I want Mr. O'Callaghan to be very clear, because if he
26 is coming along to say that -- if he is asking that the
27 PSNI have to apologise for putting that, that has to be
28 clear.

29

30 MR. O'CALLAGHAN: I'll thank Mr. Robinson for that

1 intervention because it reminds me of why he accused Mr.
2 Corrigan of betraying his oath. It was because he did not,
3 and this is what Mr. Robinson said, he did not pass on
4 intelligence information. And I'm asking this witness from
5 the PSNI, why didn't the PSNI pass on this intelligence
6 information to this Tribunal?

7 A. A decision was taken to not release this intelligence. As
8 I said earlier on, I am not in a position to tell you who
9 made that decision, the circumstances or the context in
10 which that or those decisions were taken. And I'd be
11 speculating beyond that.

12 145 Q. I just want to say to you, and you can agree or disagree,
13 but that decision by the PSNI did a shameful injustice to
14 my client. Do you agree with that?

15 A. Well I am going to restate the position that the decision
16 making as to when and how and whether the intelligence
17 would be shared, I do not know whether that was made by the
18 PSNI or by the security service.

19 146 Q. And the information which you have, which is exculpatory of
20 my client, is intelligence that you describe as accurate
21 and reliable, isn't that so?

22 A. The intelligence is described as accurate and reliable.

23 147 Q. And of course the SB50, over which we have been spending
24 nearly 100 days talking about it, has been described by the
25 person who generated it from the RUC as being tittle-tattle
26 and hearsay; you are aware of that?

27 A. I am aware of some of that evidence being given, yes.

28 148 Q. And if you were to weigh up, Mr. McComb, the pieces of
29 intelligence, on the one hand you have the accurate and
30 reliable information allegedly contained in this document,

1 and on the other side you have the SB50. Which weighs
2 heavier?

3 A. I think that's a matter for the Tribunal.

4 149 Q. In your opinion, which is more credible as intelligence?

5 A. Well, the intelligence is dated -- that I'm looking at now
6 is described as accurate and reliable.

7 150 Q. And that isn't the categorisation given to the SB50, isn't
8 that so?

9 A. I know that there has been witnesses talk about it as
10 tittle-tattle. I don't recall how it was described
11 formally.

12 151 Q. It has been described formally by your counsel as medium
13 grade?

14 A. Okay.

15

16 MR. ROBINSON: When I did comment upon that, I was
17 repeating what Witness X said about it. And also the other
18 handlers gave evidence that this information given to them
19 was believable as well.

20

21 MR. O'CALLAGHAN: Do you know --

22

23 MR. ROBINSON: These are matters not for this witness but
24 for you.

25

26 MR. O'CALLAGHAN: I'll ask this witness whatever I want to.
27 It's not often I get a PSNI witness in the box.

28

29 MR. ROBINSON: Subject to you, Chairman.

30

1 CHAIRMAN: Yes.

2

3 152 Q. MR. O'CALLAGHAN: Are you aware of the grading of the SB50
4 we have been discussing here for nearly 100 days?

5 A. I am.

6 153 Q. Would you agree with me that it is graded considerably less
7 than the grading attributed to this documentation and these
8 pieces of intelligence?

9 A. I have a suspicion that the grading system has changed
10 between what you are referring to and what this is, so it
11 may not be fair to compare like for like.

12 154 Q. I know, but you have described this information as accurate
13 and reliable. That's not a categorisation that could be
14 assigned to the SB50, is that so?

15 A. Well I'm not so sure that is the case, but the
16 determination as to how this intelligence is described,
17 which isn't the same as the grading, the description of
18 this isn't the same as the grading, this is described as
19 accurate and reliable, it's not the same as the grading.

20 155 Q. The grading back in the days of the SB50 is the information
21 was graded 1 to 6, isn't that correct?

22 A. That's correct -- sorry, yes, the intelligence is graded 1
23 to 6.

24 156 Q. The intelligence is graded 1 to 6, 1 being the best and 6
25 being the worst, isn't that so?

26 A. No, I think 6 refers to untested.

27 157 Q. Okay. But if you are assessing the quality of the
28 information, the more quality it has the lower the number;
29 a 1 is the best quality, a 6 is the worst quality, isn't
30 that so?

1 A. Yes, that's probably a fair way of putting it.

2 158 Q. What problem does the PSNI have in disclosing to this
3 Tribunal the grading attached to the SB50?

4

5 MR. DILLON: This is going beyond the remit of what this
6 witness is here for, Chairman. I am sorry, I have to
7 interrupt.

8

9 CHAIRMAN: I think it is.

10

11 MR. O'CALLAGHAN: Chairman, I have to say to you. I don't
12 often get a PSNI witness and I should be allowed to ask the
13 question. It has been submitted to you by counsel for the
14 PSNI that the PSNI do not want to reveal the grading
15 because of national security. I want -- I don't get a
16 witness from the PSNI often. I want to ask him questions
17 on this. And I believe the fair procedures of my client
18 are being violated if I am not allowed to cross-examine
19 this witness.

20

21 MR. DILLON: Chairman, there is no violation of fair
22 procedures involved here. The fact is that this witness
23 has come ready and to deal with the items of intelligence.
24 He has not come to deal with the separate issue of the
25 grading of the SB50. That's a separate matter on which he
26 needs to take instructions, I imagine, if he is to be of
27 any assistance to the Tribunal, and that is a matter which
28 can be dealt with, if needs be, on another day, whether by
29 this witness or by another. To suggest that there is
30 unfairness is simply not right.

1

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MR. O'CALLAGHAN: I was told yesterday and submissions were made that this witness would give evidence in respect of the grading of the SB50. Now I should be allowed --

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MR. ROBINSON: Mr. Chairman, I have indicated to your team that I need to consult with both this witness and other witnesses prior to addressing the point regarding the grading of the SB50, and it's proposed and intended that that is dealt with on Monday of next week.

7

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CHAIRMAN: And a witness will give evidence on Monday?

12

13

14

MR. ROBINSON: That's the intention.

15

16

CHAIRMAN: And can be questioned on that point by Mr. O'Callaghan?

17

18

19

MR. ROBINSON: That is correct, yes.

20

21

MR. O'CALLAGHAN: I just want to take it, Chairman, you are not allowing me to ask this witness that question?

22

23

24

MR. ROBINSON: It will be dealt with on another day, sir.

25

26

MR. DILLON: I understand that the situation shouldn't come as a complete surprise to Mr. O'Callaghan. However, I repeat the point that this witness is here to deal with these particular matters and not the SB50. The question of the grading of the SB50 can, if need be, be dealt with by a

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1 witness from the PSNI, whether it be this witness or
2 another witness.

3

4 CHAIRMAN: On Monday.

5

6 MR. DILLON: On another day.

7

8 CHAIRMAN: On another day which, at the moment, is Monday
9 next and you'll be entitled to ask the question then of
10 whatever witness is here for that purpose.

11

12 MR. O'CALLAGHAN: Chairman, the entitlement of
13 cross-examine entitles a cross-examiner to cross-examine a
14 witness on a wide variety of matters, not simply on what
15 that witness was called to give evidence upon. If you are
16 precluding me from asking that question, that's a ruling
17 and obviously I will abide by your ruling.

18

19 MR. DILLON: Chairman, witnesses come with evidence that
20 they are in a position to offer to the Tribunal. If a
21 totally different subject is going to be raised, that
22 witness needs to know that he is going to have to deal with
23 it. As I understand it, while it was undoubtedly flagged
24 that evidence was going to be given today, that position
25 was changed and, as I say, I think it doesn't come as a
26 surprise, I understand it shouldn't come as a surprise to
27 Mr. O'Callaghan that position has changed. This witness is
28 not able to deal with this matter, and either this witness
29 or another witness will, on another day, deal with the
30 matter. There is no difficulty. It's only a question of

1 timing, that's all.

2

3 MR. O'CALLAGHAN: Sorry, Mr. Valentine informed me this
4 morning, correctly, that Mr. Robinson had decided that this
5 witness wasn't to give evidence in respect of the grading.
6 I perfectly accept that. I am entitled to ask this witness
7 whatever question I want. I would refer the Court to the
8 decision of the Supreme Court in **Maguire v Ardagh** where the
9 importance of cross-examination was set out.

10

11 I have to say to you, Chairman, as a result of my
12 questioning so far, I have been able to establish some very
13 important factors helpful to Mr. Corrigan and I think I
14 should be allowed to proceed. It's a matter for you,
15 Chairman, if you rule against me, you rule against me.

16

17 CHAIRMAN: I think that this or another witness will be
18 available to answer that question on Monday, I think it
19 should be left until then.

20

21 159 Q. MR. O'CALLAGHAN: Are you aware, Mr. McComb, that on the
22 15th August 2002, the Principal Private Secretary to the
23 Secretary of State for Northern Ireland wrote a letter to
24 the Secretary of State in which he referred to the fact
25 that a person, whom I believe was Mo Mole, had identified
26 the likely source of collusion in the Buchanan Breen case
27 as being a senior catholic RUC officer.

28

29 MR. DILLON: Sorry, My Friend has now offered a name for
30 what is a redacted name. He must offer the basis for

1 offering the somewhat startling suggestion that it was the
2 late Mo Molem.

3

4 MR. O'CALLAGHAN: I'll do that now. I'd just like to put
5 the document up on the screen in order to fulfil
6 Mr. Dillon's request.

7 160 Q. This is the second page of the document, Mr. McComb. The
8 first page is completely redacted. It's dated, as I said,
9 the 15th August 2002. It's from the Private Secretary to
10 the Secretary of State. A woman called Jane Kennedy is one
11 of the recipients. She was the Minister of State at the
12 Northern Ireland Office in 2002 with responsibility for
13 justice and security. And the piece that is up on the
14 screen now says as follows:

15 *"5. What seems to have inspired [blank] to speak out was*
16 *[blank] almost divulging in front of [blank] and [blank] at*
17 *the parliamentary party meeting information she had given*
18 *to [blank] a year ago that the likely source of collusion*
19 *in the Buchanan and Breen case was 'a senior catholic RUC*
20 *officer'. She did not have any more specific information*
21 *about the individual's identity but had been sufficiently*
22 *impressed by the evidence that she had sought and failed to*
23 *persuade [blank] not to include the case on the Weston Park*
24 *list. She feared the consequences for the PSNI if the*
25 *story was to emerge from a review and had talked [blank]*
26 *down when he had come so close to blurting it out."*

27

28 Now, counsel for the Tribunal has asked me to indicate why
29 it is my belief that this refers to Mo Molem, the late
30 Secretary of State. And it's as follows: You'll see from

1 the first sentence, Mr. McComb, where it says *"What seems*
2 *to have inspired [blank] to speak out was [blank] almost*
3 *divulging in front of [others] at the parliamentary party*
4 *meeting..."* That's obviously a reference to the Labour
5 Parliamentary Party that were in power at the time. Okay?
6 *"... information she had given to [blank] a year ago."* So
7 it's obviously a woman who was a member of the Labour
8 Parliamentary Party and who had given information in 2001.
9 And it continues and it says *"She"* -- this woman said that
10 the likely source of collusion was an RUC officer. *"She*
11 *did not have any more specific information about the*
12 *individual's identity but had been sufficiently impressed*
13 *by the evidence..."* Now, so this is a woman who is a
14 member of the Labour Parliamentary Party who had been
15 presented with evidence. And the person who could only be
16 in a position to get that, I suggest to you, is a senior
17 female politician in the Northern Ireland Office.

18
19 MR. DILLON: I am sorry, Chairman, but underlying this
20 question or underlying this entire presentation is an
21 assumption that the parliamentary party referred to there
22 is the Labour Party. What is the basis for that
23 assumption?

24
25 MR. O'CALLAGHAN: Because, as though Mr. Dillon may not be
26 aware of it, because in Britain the Labour Party was in
27 power and subsequently occupied the office of Secretary of
28 State from 1997 until 2010.

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30 MR. DILLON: And what was the date of that document?

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MR. O'CALLAGHAN: 2002.

MR. DILLON: My information is that Ms. Molem ceased to be Secretary of State in 1999.

MR. O'CALLAGHAN: That's correct. And what continues in the second sentence of this document is *"she did not have any more specific information about the individual's identity but had been sufficiently impressed by the evidence that she had sought and failed to persuade [X] not to include the case on the Weston Park list."*

Now, Mr. McComb, a couple of questions.

MR. DILLON: I think, frankly, Chairman, before we go into a couple of questions, we need to establish that this is truly a report of something that happened at a Labour Parliamentary Party meeting. This is an area of questioning which is very important and, frankly, should not proceed on the basis of speculation.

It seems to me that we need to have a word with those who provided us with the document to see whether it might be possible to lift the redactions. Now I don't know...

CHAIRMAN: Where did this document come from?

MR. O'CALLAGHAN: It was provided to me only last week by the Tribunal, provided to my solicitor; it's HMG 151.

1 MR. DILLON: We know the document and it's already been put
2 in evidence before you, but I think that we need to ask
3 those who provided us with the document whether it would be
4 possible to lift any of those blanks to make it clear what
5 parliamentary party meeting. Otherwise, this has the
6 potential of going down completely the wrong road.

7

8 MR. O'CALLAGHAN: Okay. I just want to ask this witness
9 questions about that. The Tribunal obviously will seek to
10 do its own inquiry.

11 161 Q. Mr. McComb, had you seen this document before?

12 A. No.

13 162 Q. Are you aware of an allegation that a senior catholic RUC
14 officer had been involved in collusion in the
15 Buchanan/Breen case? Had you heard that about?

16 A. I am aware that this Tribunal has heard that document being
17 referred to.

18 163 Q. Are you aware of the allegation that Breen and Buchanan
19 were set up by an RUC officer?

20 A. From, I think, reference to that document in this Tribunal.

21 164 Q. Have you heard of it other than from this document at this
22 Tribunal?

23 A. No.

24 165 Q. Okay. When did you first hear of it?

25 A. I think when it was given in the Tribunal.

26 166 Q. Last Friday?

27 A. If that's the date it was given.

28 167 Q. Okay. Has any inquiry been conducted, that you are aware
29 of, by the PSNI into this serious allegation?

30 A. Not that I'm aware of.

1 168 Q. From your perusal of documentation, are you aware of any
2 intelligence suggesting this is the case?

3 A. Not that's been made available to me, sir.

4 169 Q. Are you aware of any evidence, not evidence that's been
5 made available to you, are you aware of any evidence?

6 A. To support that allegation?

7 170 Q. Yes.

8 A. No.

9 171 Q. Well, has anyone mentioned that evidence to you?

10 A. Other than what has been reported in the media from this
11 Tribunal.

12 172 Q. Does it cause you concern?

13 A. Two of my colleagues were murdered.

14 173 Q. I know they were.

15 A. And I would like to find out who murdered them and make
16 sure that they are brought to justice.

17 174 Q. Absolutely.

18 A. So, whatever the source, the provenance and the
19 circumstances in which they were murdered, as a serving
20 officer and just as a member of the community, I would like
21 to know who did it.

22 175 Q. But has anyone done any inquiry into this allegation which
23 is contained as a secret document, as you'll see from the
24 bottom of the page, that's contained within a Northern
25 Ireland Office document, has any inquiry been done?

26 A. Not that I can give any evidence about at this point. I
27 don't have any information to support you on that point.

28 176 Q. One matter I should have mentioned to you, just moving away
29 from that now. On the document of intelligence, the last
30 piece of intelligence says that "*Intelligence indicates*

1 that a former AGS officer Jim Lane who was based in the
2 Dundalk area frequently expressed his concern to associates
3 that his fellow officers..." -- including Corrigan -- "had
4 unethical relationships with the PIRA."

5 I want to read out to you what Mr. Lane said on Day 12.

6 Page 9, question 65. Question of Mrs. Laverty:

7 "Question: And we are investigating, really,
8 rumours, allegations concerning collusion
9 surrounding the deaths of Breen and Buchanan
10 effectively. And what is your view of the
11 present allegations particularly being made
12 that they have been made publicly against Owen
13 Corrigan, for example?

14 Answer: I do not believe those allegations,
15 Judge. I have known Owen Corrigan a lifetime
16 and I do not believe them, and that is only my
17 opinion.

18 Question: And did you work under him over the
19 years?

20 Answer: Worked with him and under him, yes. I
21 have known Owen Corrigan since 1965.

22 Question: And were you in the same section as
23 he was?

24 Answer: I was, yes.

25 Question: And did you ever investigate any
26 complaints against him?

27 Answer: No.

28 Question: Did you ever at any stage receive
29 any information that might suggest that he had
30 behaved less than properly as a member of the

1 Gardaí?

2 Answer: No.

3 Question: If you had any such information or
4 suspicion, what would you have done with it?

5 Answer: Brought it to the notice of my
6 Superintendent."

7 Does that cause you some concern about the reliability of
8 the last piece of evidence on this list, Mr. McComb?

9 A. The intelligence is assessed as being accurate and
10 reliable. It contradicts the statement, the evidence given
11 by Mr. Lane, but I think that's a matter for the Tribunal
12 to determine which is right.

13 177 Q. But it does contradict the intelligence, isn't that so?

14 A. As the intelligence contradicts the evidence.

15 178 Q. Is the British Secret -- or Security Service different from
16 army intelligence?

17 A. Yes.

18 179 Q. Did any of this information come from an informer called
19 Keeley who has disclosed himself to this Tribunal as
20 somebody who worked for British -- the British military?

21 A. I am afraid I can't get into that conversation.

22 180 Q. I suppose an easy way of dealing with it, Mr. McComb.
23 Mr. Keeley, there is no dispute about this, worked for the
24 British military during the years covered by the murder of
25 Breen and Buchanan...

26

27 MR. ROBINSON: I don't know whether that's been confirmed
28 or denied.

29

30 MR. O'CALLAGHAN: I think Mr. Keeley gave that information,

1 that evidence, that in 1989 he was working for the British
2 military.

3

4 MR. RAFFERTY: Mr. Chairman, the evidence is that this
5 intelligence has come in over sometime in the last seven
6 years. Keeley has not worked for British Security Service
7 in that last seven years. This is an entirely spurious
8 line of cross-examination.

9

10 MR. O'CALLAGHAN: This is -- sorry, if Keeley was working
11 for the British military in 1989, these wouldn't refer to
12 him, would they? Because he was-- this is documents or
13 information that was provided to the RUC, isn't that so?

14 A. The intelligence has been provided to the PSNI during the
15 course of the Tribunal. I can't go any further to indicate
16 the source of the intelligence.

17 181 Q. Okay. So this is really historical information that was
18 provided, if I can put it that way. It's not
19 contemporaneous with the murders of Breen and Buchanan. It
20 wasn't provided contemporaneously with the murders of Breen
21 and Buchanan?

22 A. It wasn't provided in 1989.

23 182 Q. One other thing. You are responsible for liaising with the
24 Smithwick Tribunal?

25 A. Well I have a sort of, I suppose an ill-defined role in
26 relation to the legacy matters. I provide a sort of senior
27 police perspective in relation to legacy investigations,
28 including this Tribunal.

29 183 Q. Are you aware of the involvement that the RUC had and the
30 assistance it provided to Toby Harnden when he was

1 preparing his book *Bandit Country*?

2 A. Not off the top of my head at this point, sir, I am not.

3 184 Q. It appears that the RUC press office was assisting Mr.
4 Harnden; are you aware of that, sir?

5 A. No, I'm not.

6 185 Q. Okay.

7

8 MR. O'CALLAGHAN: Thanks very much.

9

10 **THE WITNESS WAS CROSS-EXAMINED BY MR. RAFFERTY AS FOLLOWS:**

11

12 186 Q. MR. RAFFERTY: Yes, Mr. McComb, we have a lot of fun and
13 games about things, but you are here today to deal with
14 five pieces of intelligence, is that correct?

15 A. Yes, sir.

16 187 Q. And anything else that you have been asked effectively
17 about Weston Park or so forth, that is something you are
18 going to need to take instructions on?

19 A. If I'm required to give evidence again on other matters,
20 I'll have to take advice.

21 188 Q. Let's deal with what you are here to deal with. This
22 intelligence came in over the past, say, seven years, is
23 that correct?

24 A. At the risk of repeating the expression, during the course
25 of the Tribunal.

26 189 Q. Yes, I appreciate your script on that. But would it be
27 fair to say that in Northern Ireland and in Republican
28 circles, particularly PIRA circles, the establishment of
29 the Smithwick Inquiry caused concern?

30 A. I think the last evidence that I gave alluded to that

1 matter.

2 190 Q. Day 95.

3 A. If that's --

4 191 Q. I'm going to read to you what you said, sir.

5 *"The current Smithwick Tribunal has become a significant*
6 *issue amongst leading republicans. In the course of the*
7 *current Smithwick Tribunal, members of PIRA are concerned*
8 *that individuals associated with PIRA's testimony to the*
9 *Tribunal will lead to other material coming to light. By*
10 *this they mean information about past murders and leaks*
11 *from An Garda Siochana. For these reasons, members of PIRA*
12 *are anxious that the Tribunal should complete its work as*
13 *soon as possible. Key para members are aware that some of*
14 *the testimony to the Tribunal is deliberately false and is*
15 *intended to bring it to an early conclusion."*

16

17 Do you stand by that, sir?

18 A. If that's from the transcript, then that is the evidence I
19 gave.

20 192 Q. I have read it verbatim. It's Day 95, page 27, line 1.

21 A. Okay.

22 193 Q. Would it be correct to say, sir, that this intelligence
23 that you have picked up, these five pieces of intelligence
24 are what you, in the modern PSNI, would call as legacy
25 intelligence, in that they relate to a legacy murder from
26 the troubles?

27 A. We refer to matters such as Smithwick and the other
28 inquests that are happening in Northern Ireland and the
29 other public inquiry matters in Northern Ireland as legacy
30 matters. Intelligence doesn't necessarily have to be

1 legacy to be important to the legacy matter. It could be
2 current.

3 194 Q. I do appreciate the distinction.

4 A. Yes.

5 195 Q. But someone, a modern PSNI officer, having a look at this
6 and so forth, would possibly not attach the same
7 significance to it as somebody like yourself who had a
8 background in both?

9 A. As I said earlier on, sir, the decision to share or to not
10 share was made by someone other than myself, but it was, it
11 is obviously relevant and has been provided in those terms
12 today.

13 196 Q. You see, I want to illustrate to you and everyone the
14 limitations of this intelligence. Mr. O'Callaghan, and
15 quite properly on behalf of his client, has sought to
16 bolster up the accuracy of 1 and 2, but then knock down the
17 accuracy of number 5 by reading to you from Jim Lane.
18 Would that fall into the type of misinformation and
19 deliberate falsehood that you're talking about on Day 95?

20 A. I think that could be speculation on my part. I wouldn't
21 wish to go any further than that. I can't go further than
22 what the intelligence is.

23 197 Q. You see, intelligence is always limited. And to some
24 extent, it's better to have the witness here and
25 cross-examined, wouldn't it be?

26 A. Well intelligence has limitations, in the same way
27 witnesses have their limitations.

28 198 Q. And would you accept, sir, that because of the IRA's
29 concern about where exactly Smithwick is going, there has
30 been misinformation and it is possible that that has made

1 its way into this intelligence?

2 A. I am afraid I'm at some strictures as to what you can
3 comment around that. I am afraid the intelligence was more
4 current for the last time than this document, so one came
5 after the other.

6 199 Q. Would it be a fair comment, as a general principle, for me
7 to suggest that there is a degree of misinformation that
8 has been generated about allegations in the Smithwick
9 Tribunal which may make its way into this type of
10 intelligence?

11 A. We certainly hold intelligence that in Republican circles
12 misinformation was in play.

13 200 Q. And indeed is in play?

14 A. I think as long as the Smithwick Tribunal runs, that's
15 always a risk.

16 201 Q. As long as this Tribunal casts light into dingy and dark
17 little holes in our past, that misinformation is going to
18 continue to exist?

19 A. I think that's a reasonable risk.

20 202 Q. Because, let's face it, Republicans having fought the war
21 are now fighting the peace, wouldn't that be a fair
22 comment?

23 A. Well it's a terrorist campaign, I suppose, in war, but I
24 understand your point.

25 203 Q. It's a fair point, isn't it; there is a historical war?

26 A. We are in a different era now.

27 204 Q. And in relation to paragraphs 3 and 4, do I take it that
28 that intelligence relates to a different officer as
29 mentioned in paragraph 1 and 2?

30 A. I am afraid I can't go further than what the intelligence

1 says.

2

3 MR. RAFFERTY: If you just give me one moment,

4 Mr. Chairman. Yes, thank you very much.

5

6 CHAIRMAN: Any other questions?

7

8 **THE WITNESS WAS CROSS-EXAMINED BY MR. CALLAN AS FOLLOWS:**

9

10 205 Q. MR. CALLAN: Detective Superintendent McComb, I appear here
11 for Sergeant Leo Colton who is one of the officers, garda
12 officers mentioned in the fifth item of the intelligence.
13 Now, can I ask you, first of all, did you, in the course of
14 your preparation for evidence, see the evidence given by
15 Garda Officer Jim Lane, on Day 12 here?

16 A. No, I haven't had that opportunity, sir.

17 206 Q. And do you know was it looked at by any of the, any of your
18 colleagues in preparation for your evidence here today?

19 A. I would be speculating on that point. I received the
20 material yesterday and, as a consequence, I wasn't in a
21 position to read any of the evidence that has been given in
22 this Tribunal on that point.

23 207 Q. Was there any particular reason that you or the officer
24 presenting the evidence here today, having only seen it
25 yesterday, seeing, presumably, that this matter was in
26 preparation for so little time?

27 A. Probably that falls down to the position I hold within the
28 police service, that I hold a sort of a liaison role
29 between the police service and legacy investigations. So
30 it's probably a positional matter as opposed to a timing

1 matter.

2 208 Q. Was there any strategy concerned in that decision?

3 A. No. I was simply the most obvious officer to provide that
4 intelligence.

5 209 Q. But as a general principle, I think I understood what you
6 said earlier to say that the final say in any matters of
7 security and perhaps evidence getting -- with security
8 connotations -- getting into the public domain, that the
9 final say would be the security services rather than with
10 the PSNI?

11 A. If it's matters relating to national security, the primacy
12 for that rests with the security service in Northern
13 Ireland. If matters of non national security would relate
14 to matters, it would be the police service.

15 210 Q. Yes. But in a matter of this kind, who had primacy?

16 A. The security service.

17 211 Q. The which?

18 A. The security service.

19 212 Q. The security services. Now, what I want to ask you about
20 Sergeant Leo Colton is that Jim Lane, Garda Jim Lane was
21 asked about him on page 10 of transcript number 12, and the
22 question, the relevant question was 78, in these terms, and
23 it is this: *"Have you at any stage heard any information*
24 *or any rumours or suggestions that Mr. Colton was ever*
25 *involved with the IRA?"* That was the question that was
26 asked. And he said "No", an emphatic no, and the matter
27 was not pursued. Now, would you agree that what is stated
28 here in this intelligence that Leo Colton *inter alia* had
29 unethical relationships with the IRA members in the border
30 area is totally at odds with the answer that Jim Lane gave

1 which I have quoted to you?

2 A. Yes, I would agree it is.

3 213 Q. And would you agree with me that, accepting Jim Lane's
4 evidence, sworn evidence as against what you put forward
5 here as intelligence, that it casts absolute doubt on any
6 credibility being attached to this intelligence?

7 A. I'll leave that for the Tribunal to make a determination.
8 All I can say is the intelligence is described as accurate
9 and reliable. If it contradicts with other evidence, I am
10 afraid that falls to the Chairman.

11
12 MR. CALLAN: I see, very good.

13
14 THE WITNESS WAS CROSS-EXAMINED BY MS. O'SULLIVAN AS
15 FOLLOWS:

16
17 214 Q. MS. O'SULLIVAN: I just have a couple of questions. I
18 represent Mr. Finbarr Hickey. Again in relation to the
19 fifth item of intelligence that you have given evidence
20 about today, I think you cannot say when it was received
21 except it was in the last five years or six years?

22 A. During the course of the Tribunal.

23 215 Q. During the course of the Tribunal. You cannot say where it
24 came from?

25 A. No.

26 216 Q. Who provided the information, who received the information,
27 and you can't say who these concerns apparently were
28 expressed to by Jim Lane?

29 A. No, I am afraid I can't go behind what's in front of you.

30 217 Q. You can't go behind it at all. And again in respect of

1 Mr. Hickey, Jim Lane gave evidence on Day 12, on the 24th
2 June 2011, and at question 75 from Mrs. Lavery, counsel
3 for the Tribunal she asked: *"Has there -- have you ever*
4 *had any suspicion or information over the years that*
5 *Finbarr Hickey had any connection with the IRA prior to*
6 *this instant?"* this instant being the passport
7 investigation in 1996, and to which Mr. Lane responded
8 "No." Again, that would appear to directly contradict the
9 intelligence that you have given evidence of at paragraph
10 5?

11 A. Yes, it does.

12 218 Q. And would that give you any concerns in relation to the
13 accuracy and reliability that you have expressed in
14 relation to paragraph 5, seeing it's been directly
15 contradicted by sworn evidence by Detective Garda Jim Lane?

16 A. I am afraid I can only reflect that the intelligence is
17 regarded as accurate and reliable. Whether it joins with
18 evidence, I am afraid that's a matter for the Tribunal to
19 determine.

20 219 Q. And I think that's the difficulty with intelligence, you
21 have already confirmed to Mr. Rafferty that misinformation
22 can make its way into intelligence and that would be one of
23 the concerns with intelligence?

24 A. Intelligence is an imprecise art.

25 220 Q. Very good.

26
27 MS. O'SULLIVAN: I am obliged.
28

29 **THE WITNESS WAS RE-EXAMINED BY DILLON AS FOLLOWS:**
30

1 221 Q. MR. DILLON: Chairman, two matters that arise. I think the
2 first point is this. With the exception of the last item
3 which does provide names, I think it's correct to say that
4 the other items of intelligence are, if I can put it this
5 way, identification neutral?

6 A. Yes.

7 222 Q. Nobody is identified one way or the other, isn't that
8 right?

9

10 MR. O'CALLAGHAN: That's not correct. Sorry, it was
11 confirmed by the witness that Owen Corrigan is not referred
12 to in 1, 2, 3 or 4.

13

14 MR. DILLON: I think we need to be careful about that, that
15 he is not mentioned, he is not named, have I picked it up
16 incorrectly? If I have, please correct me.

17 A. The intelligence paragraph 1 does not name an individual.
18 Beyond what it says in front of me, I am afraid I can't go
19 any further at this point.

20 223 Q. Yes, a detective AGS officer, is that right?

21 A. Yes, that's correct.

22 224 Q. And then the identification to the extent that it goes is,
23 in the second one it's "*this same officer*" is that right,
24 this AGS officer?

25 A. Yes, I think 1 and 2 can be read together.

26 225 Q. Yes. And then the individual involved in item number 3 is
27 described as "*a senior AGS member*", is that right?

28 A. That's correct.

29 226 Q. And then in item number 4 it's simply "*an AGS officer*"?

30 A. That's correct.

1 227 Q. So to that extent, that's the point I am making: it's
2 identification neutral?

3 A. Yes.

4 228 Q. Subject to those matters?

5 A. Yes.

6 229 Q. Now, can you help us perhaps with the phrase in the first
7 item, "*a detective officer who had not publicly associated*
8 *with the Smithwick Tribunal*". Can you say is this -- is
9 this a comment?

10 A. No. That refers to the intelligence. It is not a comment.
11 It is from the intelligence.

12 230 Q. So that's actually what is set out in the intelligence?

13 A. That's a reflection of the intelligence. It's not
14 necessarily a direct lift. It reflects accurately what the
15 intelligence says.

16 231 Q. It's not a deduction being made by the PSNI?

17 A. It's not a deduction. It's not a comment. It's a
18 reflection.

19 232 Q. That is as it was received, is that right?

20 A. Well it's a reflection of the intelligence. Some of it is
21 -- some of the key words are verbatim. Some of them are
22 reflected slightly different for obviously protective
23 reasons.

24 233 Q. For the purpose of protecting sources, is that right?

25 A. Yes indeed, but it is not a comment in respect of. It's
26 from the intelligence source.

27 234 Q. Very good. Thank you very much.

28

29 MR. DURACK: Sorry, sir, just what Mr. Dillon just said
30 there, I think that this witness was referring to the

1 paragraphs he's got in front of him, not in relation to the
2 original intelligence. That the original intelligence, he
3 has agreed that the handlers are identifiable, that the
4 sources are identifiable, and that certainly the person who
5 is not one of the three people here must be identifiable.
6 I think we may be confusing the two things.

7 A. Sorry, maybe -- the source of the intelligence would be
8 identifiable as provenanced.

9
10 MR. DILLON: I'm not disputing that.

11 A. The handlers would be identifiable. But I am afraid I
12 can't go further to say whether the detective officer is
13 identifiable. That's a different...

14
15 MR. DURACK: You are not permitted to go further but...

16
17 CHAIRMAN: All he says is that that officer has not
18 otherwise been associated with this Tribunal.

19
20 MR. DURACK: Yes. And what he says is that there are no
21 names reflected in this document. He is not making any
22 comment as to whether there were names in the original
23 documents.

24
25 CHAIRMAN: Yes, that's clear. Well, Detective Chief
26 Superintendent, thank you very much for your attendance,
27 you have been very helpful to us. I am most grateful.

28 A. Thank you.

29
30 MR. DILLON: I am sorry, Chairman, could this witness maybe

1 just stay where he is for just one minute because there is
2 a matter I may have to put to him arising out of an issue
3 which was drawn to your attention during the course of the
4 questioning. I'm being deliberately coy because I have to
5 listen to what Mr. Valentine has to say. If you'll allow
6 me...

7
8 CHAIRMAN: Certainly, yes indeed. If you could just wait a
9 moment please.

10 A. Certainly.

11
12 MR. DILLON: Thank you, Chairman, it comes back to the
13 document 151 which was put to this witness, and the
14 reference to the parliamentary party. While questioning
15 has been going on we have been in negotiations with the
16 party(sic) -- I'm sorry, with the authority that provided
17 us with this document, which is the NIO, and I can tell
18 you, Chairman, that the parliamentary party referred to
19 there is the Unionist Party. Thank you.

20
21 CHAIRMAN: Not the Labour Party.

22
23 MR. DILLON: No, not the Labour Party. It's the Unionist
24 Party.

25
26 CHAIRMAN: Thank you very much. So we can let the
27 Detective Chief Superintendent McComb go?

28
29 MR. DILLON: Yes, at this point, unless Mr. O'Callaghan
30 wishes to pursue the point.

1

2

MR. O'CALLAGHAN: It's just I find it more revealing in fact, but obviously this witness doesn't have anything to say in respect of it.

4

5

6

But I would ask, Chairman, it's an important document, can we have full redaction of it?

7

8

9

MR. DILLON: I have already expressed a view that we will try our best to have the blanks lifted, but that's as far as we can take it for the purposes of today. So, that being the case, I think this witness may now be excused.

10

11

12

13

14

CHAIRMAN: Thank you very much indeed.

15

16

THE WITNESS THEN WITHDREW.

17

18

MR. DILLON: The second witness we have for you today is Mr. Owen Corrigan. I wonder if he might come in.

19

20

21

MR. RAFFERTY: Might I ask, sir, I know Mr. Corrigan has been cleared, as it were, to do two hours a day; in that regard he is a bit like myself. Would it be possible to suggest that we possibly do an hour before lunch and then an hour after?

22

23

24

25

26

27

MR. DILLON: We can ask Mr. Corrigan that when he comes up.

28

29

CHAIRMAN: Or we can ask Mr. O'Callaghan to let us know about that.

30

1

2

MR. DILLON: Now, Mr. Corrigan, I understand that you are

3

with us today, but you can't be with us tomorrow or Friday,

4

is that right?

5

A. That's correct, yes.

6

235 Q. And, as we know, your medical advisers have advised that

7

you give evidence for a maximum of two hours a day, is that

8

right?

9

A. That's correct, yes.

10

236 Q. Now, as matters happened, unfortunately the previous

11

witness ran over in a way that we hadn't expected and it's

12

now twelve o'clock. Could you -- of course we'll provide

13

you with refreshments, but could you give evidence up until

14

one o'clock and then at two o'clock for a further hour,

15

would that be all right?

16

A. I am sorry, Mr. Chairman, I won't be able to attend after

17

one o'clock.

18

237 Q. Have you a particular difficulty?

19

A. I am not in a position... my health has been... I have to

20

go back to the doctor in the morning, actually, to the

21

hospital here.

22

238 Q. We appreciate that and that's the reason why you are not

23

able to be with us tomorrow and Friday. But, maybe, could

24

we just let it go up to one o'clock and see how you feel at

25

that point?

26

A. Right, okay.

27

28

OWEN CORRIGAN WAS CROSS-EXAMINED BY MR. RAFFERTY AS

29

FOLLOWS:

30

MR. RAFFERTY: Mr. Corrigan, if it's of any assistance to

1 you, I probably have some of the key allegations to put to
2 you. After that, you would then be moving into the
3 evidence that you would give to your own counsel, so to
4 some extent, it may be in your interests, as it were,
5 health wise, to get this over with. I'll be as quick as
6 possible.

7 A. Thank you, Mr. Rafferty.

8 239 Q. No, you are welcome. Trust me, I appreciate the
9 difficulties of health. In relation to today's evidence,
10 sir, I am going to be dealing with four key areas, but
11 before I get into those areas, there is one aspect of your
12 evidence which you have given on the 12th July at page 33,
13 you described touts, or you certainly agreed with the
14 assessment that touts were low calibre human beings. Do
15 you still agree with that, sir?

16 A. Yes.

17 240 Q. And at page 37, and I want to read it verbatim. At
18 question -- line 14, question 148.

19 *"Question: So you respect Mr. Blair, then, for*
20 *being loyal?*

21 *Answer: Yes.*

22 *Question: And you think less of Mr. Keeley*
23 *because --*

24 *Answer: Absolutely.*

25 *Question: Because he was informing against the*
26 *IRA."*

27 Do you stand by that, sir?

28 A. I don't, no. I made that comment in relation to -- it was
29 more a comment in relation to the integrity, or lack of it,
30 of Mr. Keeley, that here he was on his first arrival in

1 Dundalk, Mr. Chairman, the first contact he had with Mr. --
2 just to illustrate the type of an individual he is -- that
3 the first house and the first person he met was Mr. Blair.
4 Mr. Blair provided him with a home and organised transport
5 for him and whatnot. So, in actual fact, he was his best
6 friend, and it was in the context of Mr. Keeley's lack of
7 credibility rather than Blair's. I certainly wasn't -- in
8 no way giving any credibility to the members of the
9 Provisional IRA. It was only in the context of the way
10 Mr. Keeley had behaved towards his so-called friend that I
11 was making the comparison. And I may have given the wrong
12 impression that it was, that I was here to give any
13 credibility to a member of the Provisional IRA. Far from
14 it.

15 241 Q. You see, I am putting it to you quite clearly you didn't
16 give any wrong impression. You gave exactly the
17 impression. You gave it as you think, sir. You are not a
18 man who holds back. You give your opinions and your
19 opinion was that you actually almost admired Mr. Blair,
20 isn't that right?

21 A. Oh, certainly nothing could be further from the truth.
22 Admire a member of the Provisional IRA?

23 242 Q. Yes. Quite right.

24 A. You don't know me now to make a statement like that, Mr.
25 Rafferty.

26 243 Q. Well this is a man that you don't know, isn't that right?

27 A. That's right.

28 244 Q. A man you have never met?

29 A. I never met him, the same as I never met Mr. Keeley.

30 245 Q. You have never actually met Mr. Blair?

1 A. No.

2 246 Q. Mr. 'Mooch' Blair?

3 A. No, never.

4 247 Q. Tell me, sir --

5 A. He has given evidence to that effect, that he never met me
6 either.

7 248 Q. We'll worry about your evidence, sir. Tell me, sir, do you
8 accept that 'Mooch' Blair was officer commanding south Down
9 IRA?

10 A. Yes.

11 249 Q. Do you accept that 'Mooch' Blair was a key bomb maker for
12 the Irish Republican Army?

13 A. I do, yes.

14 250 Q. And that 'Mooch' Blair lived, and indeed still lives in
15 Dundalk?

16 A. That's right.

17 251 Q. And at all of that time you were the top garda in charge of
18 the top Detective Unit in the Republic, isn't that right?

19 A. Yes.

20 252 Q. And you never met 'Mooch' Blair?

21 A. Never.

22 253 Q. Tell me, sir, exactly how you were a thorn in the side of
23 the IRA when a commander has never met you, you have never
24 actually arrested him, never stopped him, never spoken to
25 him, how exactly are you a thorn in the side of the IRA,
26 sir?

27 A. Well those are the facts on the ground. I never arrested
28 him. I never stopped him. I never spoke to him. So, how
29 more clear can I be?

30 254 Q. What about Mickey Collins?

- 1 A. Never met him either.
- 2 255 Q. Never met him?
- 3 A. No.
- 4 256 Q. Do you even know what he looks like?
- 5 A. Pardon?
- 6 257 Q. Do you even know what Mickey Collins looks like?
- 7 A. I do, yes.
- 8 258 Q. 'Mooch' Blair, do you know what he looked like?
- 9 A. I do, yes.
- 10 259 Q. What about Patsy O'Callaghan?
- 11 A. I don't know him at all.
- 12 260 Q. You don't know him at all?
- 13 A. No.
- 14 261 Q. We'll come back to him.
- 15 A. Yes.
- 16 262 Q. Right, sir, I am going to move on as quickly as I can
17 through the four topics that I want to deal with.
18 The first is Narrow Water. Do you remember Narrow Water,
19 sir?
- 20 A. I do, yes.
- 21 263 Q. Do you remember it well?
- 22 A. I do, of course.
- 23 264 Q. Of course. It's not everyday, was it 19 paragraph troopers
24 are blown up?
- 25 A. That's right.
- 26 265 Q. And you know that Mr. Keeley makes an allegation that you
27 were "our friend" and that you assisted the IRA after
28 Narrow Water?
- 29 A. Yes.
- 30 266 Q. And that is an allegation, sir, which you have consulted

1 about with your solicitor, yes?

2 A. Yes.

3 267 Q. And with your counsel?

4 A. Of course.

5 268 Q. And it is quite clear, sir, that you have been going
6 through the transcripts of evidence as they have been
7 coming out, haven't you?

8 A. Of course.

9 269 Q. Yes, you take a keen interest in this. It is said, and if
10 it can be shown, I think we have to show it, it's page --
11 it's Day 67, page 9, line 20. Mr. Mills could you put it
12 up for -- well I'll read it then.

13 This is your counsel cross-examining Mr. Keeley:

14 *"Question: Could you try and be more specific,*
15 *Mr. Keeley, as to when, by date, you first*
16 *became aware that Owen Corrigan was assisting*
17 *the IRA?*

18 *Answer: By date, I couldn't, sir, but one*
19 *instance I was told of as well many years ago*
20 *was after the Narrow Water bombing, that it was*
21 *said that Owen Corrigan had helped the IRA at*
22 *the time.*

23 *Question: Now, Mr. Keeley, you weren't in the*
24 *IRA at the time of the Narrow Water bombing?*

25 *Answer: No, but I had heard it after that,*
26 *yes.*

27 *Question: So when did you hear it?*

28 *Answer: Yes, yes...*

29 *Question: What did you hear about his*
30 *involvement in Narrow Water?*

1 Answer: I heard that some of the evidence was
2 held by the Garda, it was something to do with
3 a motorbike or something, or fire mechanism, or
4 something went missing after the Garda had got
5 the evidence.

6 Question: Okay.

7 Answer: Whether it's true or not, I don't
8 know, but that's what I heard."

9
10 Your counsel then goes on, at question 77, and this is put
11 to Mr. Keeley:

12 "Question: Yes. Are you aware that Owen
13 Corrigan had no involvement in the
14 investigation into Narrow Water?

15 Answer: I have no idea that he had any
16 involvement.

17 Question: Or no involvement in it?

18 Answer: No.

19 Question: He had no involvement other than
20 questioning one man called Burns, that is his
21 --

22 Answer: Brendan Burns, yes, it was, yeah.

23 Question: Brendan Burns, he had no
24 involvement, he was not involved in the scene
25 at the detonation of the bomb. Does that cause
26 you any concern about the accuracy of the
27 information you had given?"

28
29 Sir, is it still your position that you had absolutely
30 nothing to do with the scene at Narrow Water?

1 A. Absolutely.

2 270 Q. You were never there?

3 A. Never. That scene is -- somebody there suggested that I
4 went over and trampled on the grass. I think it was a
5 disgraceful comment for a member of the RUC to make. We
6 have our own -- the Garda Siochana have their own mobile
7 forensic science, or Forensic Scenes of Crime Unit, and
8 they go to scenes of crime exclusively and pick up all the
9 forensic evidence available and no one -- I would have no
10 contact or no input to anything to do with a scene of a
11 crime. And the person who made that allegation obviously
12 was totally ignorant of the system that prevailed within
13 the Garda Siochana.

14 271 Q. Right. Well, you see, one of those people was a
15 Mr. Mullaney, who was a uniformed sergeant. He gave
16 evidence -- he had a notebook, he was a very meticulous man
17 and he gave evidence that you were both at Hudson and at
18 the detonation scene?

19 A. No, I was at Hudson. I wasn't near the detonation.

20 272 Q. Hudson -- I asked you a minute ago, sir, were you anywhere
21 near Narrow Water on the ground and you said no?

22 A. No, I was at the Narrow Water, the killing. I'm talking
23 about -- we are at cross purposes here. We are speaking
24 about Hudson and the firing point.

25 273 Q. Which are 400 odd metres away?

26 A. Yes. And the allegation was made that I had trampled down
27 the grass by a member of the RUC at the firing point. Of
28 course I was at Hudson. Sure that's when the whole scene
29 was created when Hudson went down to the river to see where
30 the shots were emanating from out of curiosity, and was --

1 the British soldier thought he was a terrorist and aimed at
2 him and shot him dead.

3 274 Q. Well, with respect, sir, there is a Dr. Alan Hall, and I
4 want to move through this evidence quite quickly, there is
5 an RUC witness who had a prefixed name, and there is a
6 Sergeant Mullaney, all who gave evidence that you were at
7 the detonation site?

8 A. No, I was not at the detonation site. I was at the scene
9 of the death of Mr. Hudson, yes, along the river.

10 275 Q. I have to put it to you, sir, that, through your counsel,
11 you tried to mislead this Tribunal, and it's a theme in
12 your evidence, you try to distance yourself from any
13 allegation of wrongdoing by Peter Keeley?

14 A. Repeat that.

15 276 Q. I am putting it to you, sir, that it's a theme in your
16 evidence that you try to put distance between yourself and
17 any scene that Peter Keeley places you at?

18 A. I wouldn't place any credence on anything Peter Keeley
19 would say.

20 277 Q. I appreciate that.

21 A. You don't have to go near a scene now. Where do we start
22 with Peter Keeley?

23 278 Q. You do accept, sir, that if someone did something at Narrow
24 Water that helped the IRA, it might be a tactic for them to
25 say "sure I wasn't even there, I was questioning the two
26 men who left the scene on a motorbike"?

27 A. No, I wasn't. There were two other officers arrested them
28 and were dealing with them.

29 279 Q. They handed them over and I believe you questioned one of
30 them?

1 A. Yeah, I did question them later on in the day.

2 280 Q. You questioned Brendan Burns, and Brendan Burns, remind me,
3 was prosecuted for no insurance or something like that?

4 A. I don't know. I'm not aware what happened. But he is no
5 longer with us, that's all I do know.

6 281 Q. You see, I am suggesting to you that you have tried to be
7 economical with the truth about being at Narrow Water?

8 A. No, I never denied being at Narrow Water. Myself, Sergeant
9 Mullaney, Sergeant -- Superintendent, the border
10 Superintendent Bill Keaney, I don't know what other members
11 were with me now, there was three or four other members,
12 but as far as I can recall, the firing site was never
13 discovered until sometime afterwards. It wasn't certainly
14 discovered that day and I didn't go back to Omeath on any
15 subsequent occasion.

16 282 Q. Well this was 1978, sir?

17 A. I thought '79.

18 283 Q. It was 1979. You were, at that stage, a detective
19 sergeant, yes?

20 A. Yeah.

21 284 Q. At the height of your powers?

22 A. Well I don't know what you mean by that.

23 285 Q. Well, you have said that you supervised one of the top
24 garda detective units in the country?

25 A. Oh, I think that's a fair statement.

26 286 Q. And --

27 A. Maybe you don't agree, Mr. Rafferty.

28 287 Q. Well, I'll leave that to the Chairman, sir. I don't know
29 whether you are just simply being modest or not. But you
30 are telling us that 19 people have been murdered one side

1 of the border, one man has been killed on the southern side
2 of the border, and that you're not down on the ground
3 involved in the investigation of all of that?

4 A. Pardon?

5 288 Q. Is that what you're telling us, sir?

6 A. Just repeat that.

7 289 Q. That 19 men have been murdered one side of the border...

8 A. Yeah...

9 290 Q. That there has been a person killed on the southern side of
10 the border, and that you are the top detective sergeant in
11 the area and that you are not involved in that
12 investigation?

13 A. Well I was involved insofar as that the matter was reported
14 to the relevant authorities, the services of the Technical
15 Bureau and fingerprint people and all were sought. But we
16 saw what happened. A man was shot and there was very
17 little examination on the very edge of the Narrow Water.

18 291 Q. You see, I'm going to suggest to you it's a very difficult
19 thing to forget that you were there when the British Army
20 are using helicopters to blow human remains out of trees;
21 you'd tend to remember that if you're there?

22 A. Yes.

23 292 Q. Wouldn't you?

24 A. Yes.

25 293 Q. Well does that help your recollection as to where you were?

26 A. When?

27 294 Q. Whenever you were at the scene.

28 A. The scene? Which scene are you talking about?

29 295 Q. The detonation scene. I am putting it to you that

30 Mr. Mullaney, Sergeant Mullaney is correct that you were at

1 the scene of the detonation site?

2 A. No, I was never at the detonation site. I don't even know
3 till this day where it was.

4 296 Q. Well, we'll move on then. So you don't even know where the
5 detonation site was?

6 A. No.

7 297 Q. Well that's the state of your evidence. Thank you. The
8 second point that I'm going to move to is the Omeath bomb
9 factory. Do you remember a bomb factory was found in
10 Omeath on the 28th August 1989?

11 A. Yes.

12 298 Q. You were still a serving officer at the time?

13 A. I don't think so.

14 299 Q. You don't think so?

15 A. No. I wasn't certainly -- there was another officer
16 specifically dealing with that. I had nothing got to do
17 with it.

18 300 Q. You went off sick in December '89, if that helps.

19 A. Was it? I had certainly nothing got to do with that Omeath
20 factory.

21 301 Q. You are still in the Detective Branch of Dundalk CID,
22 aren't you?

23 A. Oh, of course.

24 302 Q. So you just didn't cease to be there?

25 A. No, Mr. Connolly, exclusively, and his team, were dealing
26 with that. I had nothing got to do with that.

27 303 Q. Now, I have mentioned to you a theme in your evidence. I
28 have asked you about Patsy O'Callaghan?

29 A. Yes.

30 304 Q. And you have said you don't even know who that is?

1 A. I do know who he is, but I never met him, I said.

2 305 Q. Could we have, please, Day 109, page 50, question 111? No?

3 Very well, if you give me one moment I'll have to read it
4 to you.

5

6 MR. RAFFERTY: I am sorry, Chairman, I thought I would have
7 availability of the transcripts to put up on the --

8 306 Q. At page 49, question 112.

9 *"Question: Did you ever meet Patsy
10 O'Callaghan?*

11 *Answer. No, I didn't even know him.*

12 *Question: You didn't know him?*

13 *Answer: No.*

14 *Question: I see. Book 67, please, Mr. Mills.*

15 *Answer: Surely you are not accepting what
16 Fulton says as gospel?*

17 *Question. No, I just asked did you ever come
18 across Patsy O'Callaghan. That is all.*

19 *Answer: No, and never met him."*

20

21 Then I speak and say:

22 *"Mr Rafferty: Mr. Chairman, just for
23 clarification, his answer was he didn't even
24 know him, just for clarification that's his
25 answer."*

26 And this is you, sir:

27 *"Answer: Which I repeat."*

28 Do you see that?

29 A. Yes.

30 307 Q. You were telling this Chairman and this Tribunal that you

1 had no idea who Patsy O'Callaghan was?

2 A. No, I had written, in fact, in correspondence, but the
3 point I'm making is I never met him, I wouldn't know him if
4 he walked into the room. That's the point I was making.
5 Now I may have been -- my remarks may have been
6 misinterpreted, but what I'm saying by saying, when I said
7 I didn't know him, I didn't -- I couldn't identify him if I
8 met him on the street or he was at a commemoration or
9 something, I couldn't say "there is Patsy O'Callaghan".

10 308 Q. So, again, sir, you are the top notch detective and you
11 wouldn't know Patsy O'Callaghan from a hole in the ground?

12 A. That's right.

13 309 Q. That would be the same Patsy O'Callaghan who has been
14 described as the officer commanding south Armagh PIRA?

15 A. Yeah.

16 310 Q. You wouldn't know him from a hole in the ground?

17 A. No, I wouldn't. What I have already stated to you, Mr.
18 Rafferty, I didn't know him. I wrote about him in the
19 course of correspondence or whatnot, but to pick him out on
20 the street or at a commemoration parade or anything, I
21 couldn't, and I am here to tell you exactly how I found
22 things are and I am not going to minimise or exaggerate my
23 knowledge of anybody.

24 311 Q. You see, I have to put to you and put to you quite clearly
25 what you were telling this Chairman was, you didn't even
26 know him?

27 A. Well that's what I am saying. I meant I didn't know him.

28 312 Q. And I have to put it to you that that again is because you
29 know the allegation that Peter Keeley makes, that Patsy
30 O'Callaghan was your handler?

1 A. Surely you are not giving any relevance to what Peter
2 Keeley says.

3 313 Q. Well, you see, that's a matter for the Chairman, sir, and
4 I'm just putting to you the allegation. Here we have you,
5 who have gone through Peter Keeley's allegations and one of
6 those allegations is Patsy O'Callaghan is your handler, and
7 in evidence you are anxious to point out that you don't
8 even know him. Isn't that what you are doing, sir? You
9 are trying to distance yourself from the allegation?

10 A. I'm not. I am telling the truth. It's more than
11 Mr. Keeley. He's gone around now -- he convinced Judge
12 Cory of a story about me and said he met me and that I
13 fingerprinted him. When he came before here, the Chairman
14 here, under cross-examination he absolutely changed his
15 whole story and agreed and admitted he never met me. So,
16 for you to quote from what Peter Keeley said about me or
17 anyone else is just... I have nothing further to say. But
18 Mr. Cory was hoodwinked by him and that's why we are all
19 here today as a result of Mr. Keeley and the coaching that
20 he was getting from his masters.

21 314 Q. The coaching that he was getting from his masters?

22 A. Yes.

23 315 Q. We'll come back to that, sir. We'll come back to that. I
24 promise you we'll come back to that.

25 A. I welcome that.

26 316 Q. But I do want to ask you, as part of your own evidence, Day
27 101, page 66 -- sorry, Day 102, page 66, line 9, this is
28 when you are talking about not being asked to help.

29 *"Much to my disappointment because I loved the job I did*
30 *and took a great personal interest in building up in my own*

1 *mind, like it was perceived now that I had the most*
2 *extensive mental totality of the IRA personnel. That's*
3 *accepted by all and sundry."* That's your own assessment?

4 A. Well not alone my own, but the Garda Siochana at the very
5 highest levels. We had no less than six Commissioners came
6 in here, and I don't think one of them had the slightest
7 word but of commendation for me and my ability. And in
8 fact Mr., one of them said he admired my courage. They are
9 not my words, Mr. Rafferty.

10 317 Q. No, no, no, no. So to recap, to recap. Officer commanding
11 south Down IRA and chief bomb maker, you have never met,
12 living in Dundalk, you have never met. Patsy O'Callaghan,
13 officer commanding south Armagh PIRA, responsible, if we
14 believe what we have been told in the Tribunal, responsible
15 and mastermind the Breen and Buchanan murders, and you have
16 never met?

17 A. That's right. But you see, Mr. Rafferty, you are missing
18 the very, very important point. Both those statements are
19 attributed to Mr. Keeley; both came from the same source.

20 318 Q. No, I'm just marvelling, sir, that the jewel in the crown
21 of An Garda Siochana, two such high profile members of the
22 Provisional IRA are apparently completely unknown to you.
23 But we will move on, sir, because, as I say, I want to get
24 you through this cross-examination.

25

26 Do you accept that even now, that Patsy O'Callaghan was the
27 officer commanding south Armagh?

28 A. Well I don't know his exact status, but I would say that he
29 was a person of grave importance within the organisation,
30 you know.

1 319 Q. What about 'Slab' Murphy?

2 A. He would also be in the same category, perhaps even higher.

3 320 Q. Do you know him?

4 A. No, I just know him to see, like.

5 321 Q. You know him to see?

6 A. Yeah.

7 322 Q. Unlike --

8 A. Never met him now.

9 323 Q. Unlike Patsy O'Callaghan?

10 A. I would know all the Murphys because we had searched the
11 house on a number of occasions.

12 324 Q. The Omeath bomb was the biggest bomb find in the Republic
13 of Ireland at the time, is that right?

14 A. Which one?

15 325 Q. The Omeath bomb factory.

16 A. I don't know. I don't recall. I wasn't dealing with it
17 and I haven't particulars of it at all now.

18 326 Q. You see, I want to read, as it were, from, again from the
19 cross-examination.

20 *"Question: In what way did Owen Corrigan help*
21 *the IRA?"*

22 *Answer: Well, when the bomb was actually*
23 *caught in the place, there was a lot of tools*
24 *there, the bomb wasn't totally finished. When*
25 *'Mooch' and everybody had to go on the run,*
26 *they were already living in Dundalk but had to*
27 *run because their prints were everywhere, so I*
28 *moved 'Mooch' about and got him offside. I*
29 *think it was two days later that we got a*
30 *message back from Patrick that 'our friend'..."*

1 -- And for the avoidance of doubt, Patrick is Patsy
2 O'Callaghan and "our friend" is you --

3 *"... had sorted things out. So I took it that*
4 *the fingerprints and all had disappeared, so I*
5 *took it that 'our friend' was the same Owen*
6 *Corrigan, although Patsy O'Callaghan didn't say*
7 *it to me, the message came through Mickey*
8 *Collins.*

9 Question: Were you at the scene of the raid?

10 Answer: No, and neither was 'Mooch' or anybody
11 else.

12 Question: So, are you stating that the bomb
13 factory was raided by An Garda Siochana at the
14 time when know one was there?

15 Answer: Well 'Mooch', nor the bomb maker was
16 there, no.

17 Question: How long after that did you hear
18 from Patsy O'Callaghan?

19 Answer: I think it was about two days. It was
20 fairly quickly after that.

21 Question: What did he say?

22 Answer: Just that 'our friend' said it was
23 safe to come back, all the stuff was gone, 'our
24 friend' had helped. Don't pin me down to exact
25 words, but it worked out basically that 'our
26 friend' had looked after things; the stuff was
27 gone and the evidence.

28 Question: So Mickey Collins tipped you off
29 that things were okay?

30 Answer: Yes.

1 Question: In your statement you told the
2 Chairman it was Patsy O'Callaghan. Which is
3 correct?

4 Answer: Everything that would have come from
5 Owen Corrigan would have come through Patsy
6 O'Callaghan. That was the main contact.
7 Mickey Collins was the only one in Dundalk who
8 had a telephone and Mickey would have been the
9 main contact for Patsy as well. I mean, Owen
10 Corrigan would never have contacted 'Mooch',
11 me or anybody else, not even Mickey Collins."

12
13 That, sir, I have to put to you is Peter Keeley's
14 allegation. Do you understand that?

15 A. Isn't that a classical Peter Keeley outburst?

16 327 Q. Outburst, sir?

17 A. Yeah.

18 328 Q. He's been telling that story for years.

19 A. He has, yeah, and many other stories, and getting paid for
20 them by his employers -- that's the difference in him --
21 handsomely paid.

22 329 Q. Tell me, please, sir, why is it a classic outburst?

23 A. Typical of what -- when he is asked to -- first of all you
24 are saying there "our friend". He didn't say me. He said
25 "our friend did this, our friend did that". He didn't have
26 -- and when he was asked the question, he does his typical
27 skirting around the periphery of the question and doesn't
28 answer it. You saw the typical example when he was asked
29 here by counsel for the Tribunal had I fingerprinted him or
30 interrogated him while he was in Dundalk Station. Now, he

1 had told Judge Cory that he knew me, that I had interviewed
2 him. And that on the basis of what he told, the story he
3 told Judge Cory, that's why we're all here. When he came
4 over here under cross-examination from my counsel, his
5 total -- his story totally collapsed. He agreed he never
6 met me. And I wouldn't know Peter Keeley if I met him, the
7 same thing as I told you about Blair and Patsy O'Callaghan,
8 I never met one or any of those three, and counsel can cast
9 all the aspersions he likes on my lack of knowledge of
10 them, but that's the reality. All I am here, Mr. Chairman,
11 is to tell the truth.

12 330 Q. No, I am just asking you, please, to explain why that is a
13 typical Peter Keeley outburst?

14 A. That's what he says. He rambles on. He didn't say -- he
15 said "our friend".

16 331 Q. He has previously said in evidence that 'our friend' is
17 Owen Corrigan. That's the only friend, 'our friend' in the
18 IRA, that's his evidence.

19 A. And what inhibition has he about naming me or can he not
20 pronounce my name or what? Why didn't he say Owen
21 Corrigan.

22 332 Q. Because he is relating, sir, what is said to him, that 'our
23 friend' is the one who sorted it out.

24 A. We are circling the same circle in opposite directions, Mr.
25 Rafferty.

26 333 Q. No, we are not, sir, because this is very specific.

27 A. It's nothing specific.

28 334 Q. Let me make it very specific for you, sir. In relation to
29 Omeath, there are a number of facts, absolute solid facts
30 that have been established. The first of those facts is

1 that Keeley gives chapter and verse in his evidence about
2 Hiace vans, grinders, bombs, everything that was found at
3 the scene, and we know for a fact, by virtue of the Garda
4 Technical Bureau's evidence, that all of those things were
5 found and that there was a bomb factory found. Do you
6 accept, sir, that there was a bomb factory found?

7 A. There was -- Mr. Rafferty, I have already told you I know
8 nothing about it, I wasn't involved in it. Mr. Connolly
9 was totally in charge of that. I had nothing got to do
10 with it so I don't know why you keep persisting and asking
11 me about this bomb factory and what was found in it. I
12 know absolutely nothing about it.

13 335 Q. Do you accept that there was a bomb factory found?

14 A. I heard there was a bomb factory, and further than that, I
15 don't know.

16 336 Q. So you heard there was a bomb factory found?

17 A. Yes.

18 337 Q. The largest bomb factory found in the Irish Republic at the
19 time and you are in Dundalk CID, the jewel in the crown,
20 and you heard that there was a bomb factory found?

21 A. That's exactly the situation.

22 338 Q. Do you accept, as a matter of fact, sir, that Peter Keeley
23 gave chapter and verse about grinders, Hiace vans, milk
24 churns, bombs, the works, all of which we know are a fact;
25 they were found?

26 A. Yes.

27 339 Q. Do you accept that's a fact, sir?

28 A. In what context are you asking the question?

29 340 Q. Do you accept that there was a bomb factory at all or is
30 this --

1 A. I don't know what was found. I have very, very sketchy
2 details. I have already told you that twice.

3 341 Q. We also know for a fact, sir, based upon not just Peter
4 Keeley's evidence but garda intelligence, that after the
5 bomb find, 'Mooch' Blair went on the run. That's another
6 fact, sir. Do you accept that as a fact?

7 A. No, I didn't know anything about that.

8 342 Q. Grand. You see, then we come to another fact, because
9 there was a Garda Technical Bureau officer, a Mr. Magee, on
10 Day 79 at page 91, question 461, who gave evidence that
11 after, or within a couple of days of looking at the
12 fingerprints and finding a match he telephoned Dundalk CID
13 and told them that there were no useful matches found.
14 That's another fact, sir?

15 A. In what way -- in what context?

16 343 Q. Do you accept that that's fact?

17 A. What's fact?

18 344 Q. That there were no useful -- that he did that and that
19 there were no useful matches found?

20 A. Mr. Rafferty, I told you --

21

22 MR. DURACK: I think Mr. Parker's prints were found there,
23 the man who was the tenant.

24

25 MR. RAFFERTY: No, Mr. Parker's prints weren't found, Sir.
26 Even though Mr. Parker was convicted, Sir, there was no
27 useful fingerprints found at the scene.

28

29 CHAIRMAN: What was he convicted of? Allowing --

30

1 MR. RAFFERTY: Allowing his premises to be used.

2

3 CHAIRMAN: My recollection is I don't think --

4

5 MR. RAFFERTY: I'll read this. It's Day 79. I'll get it
6 up if there is any serious debate about this. It's Day 79,
7 page 91, question 461, and I'll get that up, sir, and just
8 read it into evidence. If you'll just give me one moment.
9 I hadn't actually anticipated that this would be an issue.

10

11 CHAIRMAN: My recollection is, Mr. Durack, that -- now I
12 could be wrong, but I think the evidence was that
13 Mr. Parker was convicted of allowing the premises to be
14 used, he may even have pleaded guilty to that, I don't
15 know, but if my recollection is correct, he wasn't
16 convicted of any offence on the basis of fingerprint
17 evidence.

18

19 MR. RAFFERTY: You see, sir, I specifically asked about
20 Mr. Parker because it was of relevance to whether or not
21 fingerprints had been rubbed out, but not even the man who
22 lived there and was convicted of it, not even his
23 fingerprints were found. But that's not the point that I'm
24 on.

25

26 MR. DURACK: Sorry, I may have deflected the point. My
27 understanding is that there were prints of Mr. Parker
28 found, but I may be wrong.

29

30 CHAIRMAN: Well I could be wrong equally, but...

1
2 MR. RAFFERTY: The point I'm on is an entirely different
3 one, Sir. I must apologise for this, Mr. Chairman, I
4 assumed, as it were, that we would have the transcripts up
5 and available, but -- yes, 465, and this is a question from
6 me:

7 *"Question: And that's why I asked you within a*
8 *couple of days you would have identified*
9 *whether or not there were any useful*
10 *fingerprints?*

11 *Answer: Oh, yes I would, yes.*

12 *Question: And within a couple of days you*
13 *would have notified the investigating officers*
14 *that they were or were not any good*
15 *fingerprints?*

16 *Answer: Yes, that's correct.*

17 *Question: That's all I was asking you.*

18 *Question: Sorry, I misunderstood.*

19 *Answer: I understand. You are just confirming*
20 *that I am right that within a couple of days*
21 *you would have told the IO that there were or*
22 *weren't any fingerprints?*

23 *Answer: That's correct, Judge."*
24

25 So, do you accept from me, sir, that Mr. McGee has given
26 evidence that he would have telephoned Dundalk CID and told
27 them there were no fingerprints within a couple of days?

28 A. I don't know. How can I accept that?

29 345 Q. Well you see, I am putting it to you that it's a piece of
30 information, it's a piece of evidence that's a fact?

1 A. Sure I have already told you, Mr. Rafferty, I had nothing
2 got to do with this.

3 346 Q. We'll come to that. We'll come to that.

4 The fourth fact is, that after that 'Mooch' Blair returned
5 to Dundalk. Now, the question I have for you, sir, is:
6 how, if Mr. McGee telephoned Dundalk CID and told them
7 there were no fingerprints, how would the IRA possibly know
8 that piece of information unless somebody in Dundalk CID
9 told them?

10 A. Oh, I don't know how. I can't answer for the IRA.

11 347 Q. No, but you could answer for Dundalk CID, sir. That's a
12 vital piece of information --

13 A. I don't know --

14 348 Q. Let me ask my question, sir.

15 A. Yes.

16 349 Q. It's a vital piece of information in an ongoing terrorist
17 inquiry. How would the IRA know to tell their operatives
18 "don't worry boys, there is no fingerprints" unless
19 somebody in Dundalk CID told them?

20

21 MR. O'CALLAGHAN: Sorry to interrupt Mr. Rafferty, but Mr.
22 McGee gave evidence that prints were found. On Day 79,
23 page 85, question 425, it was put to him:

24 *"Question: Would you agree with me that the*
25 *documentary records that exist show that an*
26 *extensive forensic examination was carried out*
27 *in relation to fingerprints at the scene?*

28 *Answer: Yes.*

29 *Question: That those fingerprints were checked*
30 *as against files containing the fingerprints of*

1 *known subversives properly, accurately and*
2 *correctly?*

3 *Answer: Yes*

4 *Question: And that in no way was this*
5 *investigation in relation to the fingerprints*
6 *fiddled in any way by a guard or anyone else?*

7 *Answer: Not to my knowledge."*

8

9 MR. RAFFERTY: Sir, I'm on an entirely different point, and
10 on behalf of Mr. Corrigan, could I thank Mr. O'Callaghan
11 for that objection. It's an entirely different point.
12 It's asking him how the IRA could possibly have known that
13 there were no useful fingerprints and it was safe for their
14 operatives to come home unless somebody in Dundalk CID told
15 them.

16 A. How --

17 350 Q. Can you answer that?

18 A. I want to know the basis of the question. How did they
19 know -- how did they come into the possession of that --
20 who said that, that they did know?

21 351 Q. Peter Keeley said that.

22 A. Oh, Peter Keeley...

23 352 Q. Stop please --

24 A. Petter Keeley... oh...

25 353 Q. Listen to me, sir, because we have the Garda's own
26 intelligence that 'Mooch' Blair went on the run and we
27 have, as a matter of fact, that 'Mooch' Blair returned to
28 live safe, unmolested in Dundalk. Those are facts, sir. I
29 have painted it out for you, and I am asking you how the
30 IRA could possibly have known?

1 A. I don't -- I can't answer. How could I answer for the IRA?

2 There were 50 men in Dundalk at that stage.

3 354 Q. Do you accept, sir, that then one of those 15 must have
4 leaked that information?

5 A. I wouldn't dare to subject my colleagues with such a slur
6 on anything that Peter Keeley, because if I went down and
7 told them Peter Keeley is making an allegation against
8 them, I know what I'd be told.

9 355 Q. Not just Peter Keeley, sir.

10 A. Who else?

11 356 Q. These are facts.

12 A. Just tell me.

13 357 Q. Facts about the bomb being found; facts about the
14 fingerprints; facts that Mr. McGee tells the investigating
15 officer; the fact that 'Mooch' Blair goes on the run; the
16 fact that 'Mooch' Blair returns?

17 A. But sure my counsel is after pointing out to you that there
18 were fingerprints found.

19 358 Q. How did the IRA know to tell 'Mooch' Blair it was safe to
20 come home unless somebody in Dundalk CID told them?

21 A. But sure you said a minute ago fingerprints had disappeared
22 and now it appears that the fingerprint expert did find
23 fingerprints and found none of them identifiable. So which
24 way --

25 359 Q. None of them were identifiable.

26 A. Which line are you following now?

27 360 Q. Sir, it's simply about how the IRA could possibly have
28 known what Mr. McGee told Dundalk CID that there were no
29 fingerprints useful. How could they possibly have known
30 that?

1 A. Oh, I just... what do I say?

2 361 Q. Do you accept somebody must have leaked that information?

3 A. No, I don't.

4 362 Q. No, you don't?

5 A. I certainly don't.

6 363 Q. And is it just coincidence, sir, that Peter Keeley says
7 "'our friend' helped out"? Just coincidence?

8 A. I wouldn't even give him that much of stating a
9 coincidence.

10 364 Q. Look, sir, I am going to put it to you and I am going to
11 put it to you fairly straight. By 1989, you have told us
12 that you were thoroughly fed up, you were opting out --

13 A. I was retiring on my entitlement to go and do other things
14 in life, you know. It's quite a normal feature --

15 365 Q. You were being alienated, marginalised?

16 A. Well, so what?

17 366 Q. You were thoroughly fed up in Dundalk CID, weren't you?

18 A. Use whatever colourful language you like, Mr. Rafferty.
19 But I'm entitled to make my decisions on my life and --

20 367 Q. You see, I put it to you, sir, that by 1989 you were so fed
21 up, so alienated, that you were in fact colluding with the
22 IRA and supplying them with information, and that this is
23 an example of it, sir, because they knew to tell their men
24 to come home, it was all clear.

25 A. In what way?

26 368 Q. Because there were no prints.

27 A. But sure you have after hearing the evidence about the
28 fingerprints. I believe we are at cross sections here, Mr.
29 Rafferty.

30

1 MR. RAFFERTY: I'll let the Chairman decide that.

2

3 MR. DURACK: Just so we don't keep pursuing a line...

4

5 MR. RAFFERTY: We are not. I am moving on, Sir.

6

7 MR. DURACK: Day 79, at page 340, the statement prepared by
8 Detective Garda John McGee of the Fingerprint Section is in
9 evidence and he says in the course of that that he
10 collected various finger and palm marks, he took possession
11 of a number of items for further examination and he
12 developed a number of marks from various sources. He
13 compared them with those of Mr. Parker and they were not a
14 match; that they came from other people, and he kept them.
15 And if you remember, he was in a position to produce the
16 originals to you.

17

18 MR. RAFFERTY: Sir, Mr. Chairman, I am sorry, maybe I am
19 being obtuse or not clear enough, but am I the only one
20 that understands that what I'm actually asking about is how
21 the IRA could possibly have known what Mr. McGee told
22 Dundalk CID that there were no useful fingerprints and to
23 tell their men to come home? I respectfully --

24

25 CHAIRMAN: That's your question.

26

27 MR. RAFFERTY: That's the line of questioning. Whether or
28 not Mr. Parker's fingerprints is entirely irrelevant.

29

30 MR. RAFFERTY: Sir, I am going to move on now to the third

1 allegation, which is the Tom Oliver allegation. For the
2 avoidance of doubt, if you'll give me one moment, Sir, I
3 want to get the actual transcript portion.

4 369 Q. Do you remember I said to you that there was a theme in
5 your evidence about Keeley, that you say you weren't there
6 or that you distanced yourself from any of the places that
7 he says you have been?

8 A. Yes, that's right.

9 370 Q. Well, I want to ask you again about something you said in
10 relation to, it was put to you by Mr. Dillon, Day 109, line
11 17, page 30, Mr. Dillon put it to you that you had met
12 'Mooch' Blair and Peter Keeley at Fintan Callan's Ceili
13 house, and your response to was: *"Absolute lies all the*
14 *way. I never met 'Mooch' Blair in my life and let you*
15 *recall him and prove that. This is more of it now. Never*
16 *met him in my life."*

17 Are you serious you have never met 'Mooch' Blair in your
18 life?

19 A. That's right. And his legal team are here and I am sure it
20 wouldn't be a great difficulty to have him here within an
21 hour so we can put that to him, you know.

22 371 Q. Sir, with respect to you, I cross-examined Mr. Blair and
23 Mr. Blair, at the end of his evidence --

24 A. Did he say -- Mr. Blair?

25 372 Q. Sorry, yes, Mr. Blair. Mr. Blair, at the end of his
26 evidence, said that he wouldn't be informing on anybody and
27 the last thing he would give up was a volunteer or a
28 helper.

29 A. Did you ask if he knew me? Did you ask him that question?

30 373 Q. He was asked, sir.

1 A. Did you ask him that question?

2 374 Q. Yes, sir.

3 A. What he did he say.

4 375 Q. He said the last thing he said he would do is give up a
5 volunteer. But I want to move on, sir. You are serious
6 that you have never met him?

7 A. Never met him.

8 376 Q. And that he lived in Dundalk?

9 A. That's right.

10 377 Q. Sorry, I have just been passed a note, as it were. When --
11 it was a question I asked you earlier. When someone like
12 that lives in Dundalk, would he not be somebody that you
13 would be keeping a close eye on?

14 A. Oh, yes. Not me, the whole collective team.

15 378 Q. The whole collective team?

16 A. Yes.

17 379 Q. But you would do that too?

18 A. Oh, absolutely, yeah.

19 380 Q. You see, you said to the Tribunal, on Day 112, that:

20 *"Question: Have you even met him*
21 *professionally, professional even?*

22 *Answer: Never met him. Wouldn't know what he*
23 *looked like if he walked into the room."*

24 A. Yes.

25 381 Q. That's what you said about 'Mooch' Blair?

26 A. Yes.

27 382 Q. Are you serious that you wouldn't know what 'Mooch' Blair
28 looked like?

29 A. I don't know him. Never met him.

30 383 Q. This is a top Provo that lived for years --

1 A. I am sorry, I can't reincarnate him. I can't make him out
2 something that he is not or that my knowledge is something
3 that it's not.

4 384 Q. I'll ask you -- sorry, would you give me a moment,
5 Mr. Chairman? How do you actually do surveillance on
6 somebody who you don't know what they look like?

7 A. How do you mean?

8 385 Q. Well, how would you do surveillance, sir, on 'Mooch' Blair
9 if you didn't know what he looked like?

10 A. Well, I'd be with other members, I'd never be out on my
11 own, you know.

12 386 Q. And would you rely, you, the jewel in the crown, rely on
13 others to point out who 'Mooch' Blair was?

14 A. Not again, Mr. Rafferty...

15 387 Q. Would you rely on junior members of your team to point out
16 who the officer commanding south Down IRA and chief
17 gun-maker of the IRA living in Dundalk is? Are you
18 serious, sir?

19 A. Every one of them, that team were highly trained and highly
20 motivated.

21 388 Q. Clearly more highly trained than you, sir, because if they
22 knew what 'Mooch' Blair looked like and you didn't, then
23 that doesn't speak very well for you?

24 A. Yes, they would, but I would know anyone that I had
25 occasion to arrest and interrogate.

26 389 Q. Yes. But --

27 A. But I didn't arrest Mr. Blair and I didn't know, I didn't
28 know what he looked like.

29 390 Q. You are --

30 A. Remember now, we're talking in terms of upwards of 500

1 activists in Dundalk, you know.

2 391 Q. Mm-hmm. You recall earlier on I asked you about touts and
3 you called them low calibre human beings?

4 A. Yeah.

5 392 Q. What do you think of Tom Oliver?

6 A. A gentleman.

7 393 Q. A gentleman?

8 A. Yes.

9 394 Q. And indeed, you have told us that you know the family?

10 A. Pardon?

11 395 Q. That you know the family?

12 A. Absolutely. It was one of the most dastardly, disgraceful
13 things that ever was perpetrated by anyone in this country.

14 396 Q. I agree with you.

15 A. To see six little kids like steps of stairs --

16 397 Q. Seven, sir.

17 A. Yes, walking behind --

18 398 Q. Six daughters and one son.

19 A. And walking behind a coffin. I thought it was the most
20 chilling episode, and the people that took him and tied him
21 up and did what they did with him, I'll tell you, it was
22 barbaric is an understatement for a description of those
23 individuals.

24 399 Q. Absolutely, sir. There was outrage in the Cooley
25 Peninsula?

26 A. There was indeed. And rightly so. And still is.

27 400 Q. Outrage. And still is?

28 A. Yes.

29 401 Q. This is close to home, sir, isn't it?

30 A. Very much so.

1 402 Q. Can I ask you, sir, you knew he was an informant, did you?

2 A. I didn't, no.

3 403 Q. You didn't?

4 A. No.

5 404 Q. Are you serious?

6 A. No, no. What's the basis for that from you?

7 405 Q. Well, can we have -- at Day 109, page 31, you refer to it
8 as a dastardly murder?

9 A. Yes.

10 406 Q. For a man who was doing his duty and paid the price?

11 A. Yes.

12 407 Q. That's your word?

13 A. Yes.

14 408 Q. Those are your words: doing his duty and paid the price?

15 A. Yes.

16 409 Q. What duty was he doing, sir?

17 A. He was doing his duty to society and was answerable to
18 members of the people that you are here representing.

19 410 Q. Sir, I represent Mr. Keeley every day --

20 A. Including your client who was in there and brought forward
21 a second alleged kidnapping of Tom Oliver.

22 411 Q. We'll leave the second alleged --

23 A. I'll outline that to you if you wish.

24 412 Q. No, sir, you'll answer what I'm asking you. What do you
25 mean by saying he was doing his duty and paid the price?

26 A. Yes.

27 413 Q. What did you mean by that?

28 A. He pointed out to the garda something that he had come
29 across.

30 414 Q. So you did know he was an informant?

1 A. He wasn't involved. Isn't that some conclusion for to you
2 jump to? The man was a struggling farmer with seven little
3 kids. He had taken adjoining farmland on-grazing,
4 on-grazing, and if you don't know what I mean it's an
5 eleven-month system --

6 415 Q. I know exactly what you mean, sir.

7 A. It's an eleven-month system and came across something and
8 did his duty and reported it to the lawful authority of the
9 State. Now, is that a fair comment to say?

10 416 Q. What did he report, sir?

11 A. What he found.

12 417 Q. What did he find?

13 A. A firearms of some sort.

14 418 Q. So you did know that he reported something to the --

15 A. Yes. So is that -- what do you describe that as now?

16 419 Q. Why did you just lie to the Chairman about knowing he was
17 an informant?

18 A. He is not an informant. He did his duty; I said it
19 originally. He is not an -- is reporting something that he
20 found put in the category of informer?

21 420 Q. You told me and the Chairman that doing his duty was just
22 doing his normal duty to society?

23 A. Yes, which is that anyone would find anything, report it to
24 the lawful authorities. Have you a different
25 interpretation of it, Mr. Rafferty?

26 421 Q. And you knew that, sir, at the time that he had reported a
27 firearm?

28 A. Yes.

29 422 Q. So you did know at the time when Mr. Keeley --

30 A. I didn't know at the time, but I have learned since.

1 423 Q. You have learned since. You realise, sir, that the
2 difficulty about knowing at the time is that that's exactly
3 what Mr. Keeley says you passed onto the IRA about Tom
4 Oliver, that he was cooperating with the garda?

5 A. Yeah, sure...

6 424 Q. Yes.

7 A. Does that justify Mr. Keeley having Mr. Oliver, tying him
8 up in the back of a van like a chicken.

9 425 Q. None of that's justified, sir, but none of it is justified
10 by a detective sergeant in the garda?

11 A. I hope you realise now the ramifications of the statement
12 you are making.

13 426 Q. Oh, I do.

14 A. That he was part of the hero Irishman that tied Tom Oliver
15 with ropes and put him in the back of a van and put --

16 427 Q. I am putting to you, sir, that you gave the information
17 about Tom Oliver that put him in the grave. You gave that
18 information, sir, and you have just revealed knowing what
19 that information was for the first time.

20 A. And I'm the cause of Tom Oliver's death? That the IRA seek
21 to rule this country, that I am a man that cooperates with
22 the lawful police force of the State, should be taken out
23 and tied up like a chicken in the back of a Hiace van by
24 clients of yours, and he created a second, a second, a fake
25 kidnapping in order to justify himself and get himself off
26 the loop to go to Eurodisney.

27 428 Q. Do you know what the IRA said about the murder?

28 A. I am not interested in what the IRA said about it.

29 429 Q. The IRA said that -- "the IRA alleged that he had aided the
30 organisation by providing sheds for the storage of weapons,

1 explosives and vehicles but said he had passed information
2 to Garda over a six-year period leading to the arrests of
3 several IRA members." You knew that, sir, didn't you?

4 A. If you are parading, if you are parading the IRA and your
5 client, Mr. Keeley, I can assure you one thing, you are
6 running very short of credible witnesses if that's the
7 calibre of witness you are seeking -- taking extracts from
8 what the IRA said.

9 430 Q. But Keeley is right, sir, about this: you knew that Tom
10 Oliver had given information about a firearm, didn't you?

11 A. Of course. Does that entitle them to go out and tie him up
12 in a van and shoot him and leave seven little kids walking
13 behind a coffin?

14 431 Q. No, sir, but --

15 A. Don't try --

16 432 Q. That's the first time we have heard from you that you knew
17 that information.

18 A. That's attempting to make the justifiable unjustifiable.

19 433 Q. Tell me, sir, you have told us that this is a conspiracy,
20 this whole inquiry is a conspiracy --

21 A. Totally.

22 434 Q. -- by the Brits?

23 A. Yeah.

24 435 Q. Why in the name of heavens would the Brits send their man,
25 Peter Keeley, on your case, to --

26 A. Well they didn't send him --

27 436 Q. To make up a story about Tom Oliver when the Inquiry is
28 about Breen and Buchanan, why would they do that, sir?

29 A. Oh, I can't answer for the Brits.

30 437 Q. That's because there is no answer to it, sir.

1 A. You are not surprised at the word --

2 438 Q. It doesn't make sense, does it?

3 A. I mention the word "Brits", you are not starting, Mr.

4 Rafferty, are you, no? Because you were astounded here the
5 last day I mentioned it.

6 439 Q. Sir, quite frankly, sir, there is nothing you could say
7 that would startle me.

8 A. That's okay. I am surprised. You are coming accustomed to
9 my deliberations.

10 440 Q. Oh, no sir...

11 A. Maybe it was my accent that was astounding you.

12 441 Q. No, no, no, I am quite happy with your accent, sir.

13

14 MR. RAFFERTY: If you just give me one moment,
15 Mr. Chairman, I just want to ask my solicitor something.

16 442 Q. The fourth thing that I want to ask you about is Breen and
17 Buchanan?

18 A. Yes.

19 443 Q. Do you remember being on duty that day?

20 A. Yes.

21 444 Q. Where were you?

22 A. I was in Dundalk Station.

23 445 Q. In the station?

24 A. Yeah.

25 446 Q. Were you in the station all morning?

26 A. No, I wasn't. I can't remember where I was, I am sorry,
27 this is about the tenth I am after being asked this.

28 447 Q. You see, sir, these are the two most senior RUC officers
29 murdered in the entirety of the troubles?

30 A. I don't deny that, but me remembering where I was 22 years

1 ago is another question.

2 448 Q. Do you not tend to remember, sir, where you were when
3 dramatic things like that happen?

4 A. No.

5 449 Q. No?

6 A. Sometimes, yes. Sometimes, no.

7 450 Q. Have you ever, and it's not of my generation, but have you
8 ever heard the expression that everybody remembers where
9 they were when they heard John F Kennedy was assassinated?

10 A. I have heard it, yes, but...

11 451 Q. It's a bit like the same thing when two senior officers
12 that have been at your station that day?

13 A. Oh, absolutely, two of the finest officers that served in
14 the North.

15 452 Q. Do you understand, sir, that you do tend to remember things
16 because of things like that?

17 A. But there was no -- that time that I was there, I finished
18 at four o'clock and I walked home. Like, there was no
19 investigation that day or nobody called in or no nothing.
20 I mean I knew there was comments made that did I not stay
21 on? There was no -- there were senior officers and all
22 present that day but nobody said there'd be an
23 investigation.

24 453 Q. Sir, I am going to ask you this, sir. You followed the
25 transcript. Do you know what 'gush' is?

26 A. Who?

27 454 Q. 'Gush'?

28 A. No.

29 455 Q. 'Gush' is a piece of technology that is able to show that
30 the IRA, by using telecommunications equipment, at half

1 eleven there was fever-ish activity on that electronic
2 equipment; something was up. Do you understand that?

3 A. That's right.

4 456 Q. And that activity, that fever-ish activity stopped after
5 the shootings?

6 A. That's right, yeah. I am aware of that.

7 457 Q. Does it seem logical, sir, and do you accept that that
8 fever-ish electronic activity between half eleven and after
9 the shootings was to do with the shootings?

10 A. Oh, I mean, it's speculation on my part, but you could
11 assume that. But there again, I couldn't give a definitive
12 answer, you know.

13 458 Q. It --

14 A. But it certainly nailed the lie that could have been tipped
15 off in Dundalk Garda Station when they didn't come in until
16 half two and left at three twenty.

17 459 Q. You see, it tips -- let's deal with that.

18 A. Pardon?

19 460 Q. It tips the lie that this was surveillance because we know
20 Mr. Buchanan's car hadn't left his home at half eleven, so
21 there is no surveillance?

22 A. I don't understand...

23 461 Q. How could the IRA know they were coming if there was no car
24 to watch at half eleven?

25 A. Well, how did they know they were coming, full stop, from
26 -- which activated the presence of the British Army, as you
27 say, at eleven o'clock that morning? They had to have had
28 prior knowledge and it certainly wasn't a member of the
29 force --

30 462 Q. They had to have, that's the point, sir --

1 A. Of their impending arrival.

2 463 Q. That's the point. They had to have prior knowledge of
3 their impending arrival?

4 A. I agree with you.

5 464 Q. I am glad we agree on something, sir.

6 A. Well, thank you.

7 465 Q. Do you accept that somebody must have leaked somewhere,
8 somebody must have leaked that they were coming down?

9 A. Somebody?

10 466 Q. Must have leaked that these two officers were coming down
11 to Dundalk?

12 A. Yes.

13 467 Q. You see, I have got to put it to you that after the murder,
14 or the murders, my client was sitting in 'Mooch' Blair's
15 house and Mickey Collins came in and said "Our friend
16 helped with the operation" and we know that 'our friend' is
17 Owen Corrigan. And I am putting it to you, sir, that we
18 know somebody must have leaked, and here we have Mickey
19 Collins telling my client that it's you, 'our friend'?

20 A. Oh sure this is more of your deductions, you know.

21 468 Q. Well, it's Peter Keeley's evidence, sir, and the Chairman
22 will establish whether to believe it or not.

23 A. Not again...

24 469 Q. I am putting to you that --

25 A. My information, Mr. Rafferty, is that the south Down/north
26 Louth Active Service Unit of the IRA, Mr. Chairman, had
27 nothing absolutely got to do with this; nothing. It was
28 totally organised by the efforts of south Armagh, and by
29 south Armagh I mean Crossmaglen, Dromintee, right over to
30 Creggan, to go over that -- there is a couple of activists

1 there and they are the men that was, I believe now, I gave
2 the last day that there was in excess of 20, and I accept
3 that, that's a conservative amount because there were
4 several roads blocked, but how -- I agree with you
5 entirely, Mr. Rafferty, that they had to have prior
6 knowledge, and sure you are not saying that the guards
7 leaked that, are you?

8 470 Q. No, I am not suggesting the guards leaked that. I am
9 putting it to you that you did; that you are 'our friend';
10 you are the man who leaked it.

11 A. That the RUC were coming to Dundalk?

12 471 Q. Yes.

13 A. Oh my God. It gets better everyday.

14 472 Q. Surely you are not surprised at that allegation? Surely,
15 after nearly seven years of Smithwick Inquiry, with this
16 great conspiracy, surely to God, sir, you are not surprised
17 to find out here on day one hundred, whatever it is, that
18 you are the man who is supposed to have leaked this
19 information?

20 A. Oh my God. Were you here in the forenoon?

21 473 Q. Sorry?

22 A. Were you here at the forenoon's, or this morning's session?

23 474 Q. Yes.

24 A. That's the type of thing -- that's the area we are now
25 entering, like, so the quality of information and who said
26 what...

27 475 Q. So it's just another coincidence, sir, that --

28 A. I was able to tell the IRA that the RUC are coming and to
29 prepare, there is activity starting at eleven o'clock in
30 the morning, they are coming at eleven o'clock, they rang

1 the Superintendent in Dundalk at ten o'clock, given it to
2 his assistant that they are coming and I am in a position,
3 there is nobody else there and that I'm in a position to
4 tell them that they are coming, they are arrived at 2:30
5 and left at 3:20?

6 476 Q. You see, sir, that's exactly --

7 A. And this major mobilisation of men took place from eleven
8 o'clock that morning.

9 477 Q. Mm-hmm. 11:30.

10 A. Yeah...

11 478 Q. And the thing that you and I completely agree on is the IRA
12 must have had advanced knowledge?

13 A. Oh, absolutely.

14 479 Q. Somebody must have leaked it?

15 A. Yeah.

16 480 Q. It's just another coincidence that --

17 A. If it emanated from within Northern Ireland, which it
18 appeared likely, it's up to the RUC to look into their --
19 to wash into their private affairs.

20 481 Q. That's not my client's evidence, sir. My client's evidence
21 is that Mickey Collins told him it was you, 'our friend'.
22 Sir, I'll be ten minutes.

23 A. Is 'our friend' -- what did 'our friend' allege to do now?
24 What did Mickey Collins tell him?

25 482 Q. Can I put it to you, sir, that from 1985, after the Anglo
26 Irish Agreement, you were thoroughly disillusioned with An
27 Garda Siochana?

28 A. Oh, now I wouldn't say totally disillusioned. I was
29 disappointed but I kept working away now, you know.

30 483 Q. What did you think of the Brits and the RUC coming in

1 shouting the odds and asking for things to be done in
2 Dundalk CID, what did you think of that?

3 A. But sure that'd be the Brits. I wouldn't expect anything
4 more from them.

5 484 Q. You wouldn't expect anything more?

6 A. No. Sure the RUC were always complaining that we were
7 under-strength in Dundalk and, as I told you, there was
8 60,000 troops in Northern Ireland and they couldn't handle
9 the IRA, so...

10 485 Q. You have told us there was nine detective guards, plus you,
11 and 500 IRA men in Dundalk?

12 A. That's right.

13 486 Q. So do you see where the RUC might have had a point saying
14 that you were undermanned?

15 A. Yeah, but do you see the situation is you can't -- you
16 can't pull detectives out of an incubator, you know. It
17 takes a long, long time, and putting in -- they were trying
18 to impose a military -- please let me say -- they were
19 trying to impose a military solution, typical to what's in
20 the UK, where they have ruled by might. We rule with the
21 consent of the people. That's the way the Garda Siochana
22 have always done it. Now not all of the people, we
23 certainly wouldn't be ruling where they are concerned, but
24 by and large, with the 75 percent of the people, the Garda
25 Siochana, since its inception, Mr. Chairman, has ruled by
26 the consent of the people. The RUC never enjoyed that. If
27 the RUC man stepped outside the station in Newry, he had to
28 have a British Army man behind him. If he came to do a
29 search on the border, he had to ring up the Superintendent
30 in Dundalk and get a bunch of men, he had to ring up -- the

1 Superintendent had to ring the Irish Army first, a huge
2 logistical decision, and this is only to do with checkpoint
3 we'll say on the Concession Road, just for argument's sake
4 we'll take that, the army had to come out, the Irish Army,
5 the Gardaí from Hackballscross, and fire power provided by
6 the Army and Detective Branch. So you couldn't say that
7 there was any rule by consent compared to our side of the
8 border.

9 487 Q. Now that you have got that off your chest, sir...

10 A. No, I am just outlining the comparative difference in
11 ruling north and south of the border, Mr. Rafferty.

12 488 Q. Now that you have got that off your chest, can we move on
13 to my question which was: how did you feel about the
14 British and the RUC coming in in 1986 and calling the shots
15 about what happened in Dundalk CID?

16 A. Oh, I didn't -- it was nothing that I expected. They were
17 always complaining. And you see, the situation is that --
18 I'll go further than that. Tom King was appointed
19 Secretary of State for Northern Ireland and he was the
20 organiser of this, and if you recall even from the RUC
21 themselves, the two men that arrived in Dundalk at that
22 stage were down on the express orders of the Secretary of
23 State for Northern Ireland, and those two men expressed
24 reservations and sat outside each other's houses licking
25 their wounds, so to speak, because there is one thing that
26 -- as I told you about Brian Fitzsimons, the two things
27 that he didn't tolerate was politicians interfering in
28 police matters and garda rumours.

29 489 Q. Did you like the new regime after 1986?

30 A. It's not a question of liking them. I was always a

1 professional at all times. Even with the people that I was
2 dealing with closely, it was always nothing more than a
3 very professional relationship I had with them. And I must
4 say I enjoyed a wonderful relationship with them and Brian
5 Fitzsimons was the first Chief, and Number 27 was the
6 second, and they spanned my 13 years in Dundalk, and two
7 finer men I couldn't meet.

8 490 Q. There were a number of murders between 1985 and 1989 dealt
9 with by Mr. Spratt in his evidence. Very briefly, I am
10 just going to ask you. 20th May 1985, four RUC officers
11 blown up waiting for a Brink's-MAT consignment, isn't that
12 right?

13 A. I don't recall that, no.

14 491 Q. You don't recall the Killeen border crossing?

15 A. What?

16 492 Q. Killeen border crossing, four RUC officers blown up?

17 A. No.

18 493 Q. No?

19 A. Around that time there was a number of RUC officers killed
20 in Newry.

21 494 Q. Well, okay. William James Wilson, one of four officers
22 murdered, he was one of four officers in the RUC killed by
23 1,000 pound bomb in a trailer at the Killeen border
24 crossing outside Newry. Two RUC cars had gone to the
25 crossing to take over from garda escorting a Brink's-MAT
26 security van travelling from Dublin to Belfast.

27 A. Oh, yes, I remember that now.

28 495 Q. Oh, you remember that?

29 A. Yes.

30 496 Q. Were you on duty that day?

1 A. No, I couldn't recall. There was a series of bombings at
2 the time.

3 497 Q. Do you agree that there would have been information for the
4 IRA to carry out that needed?

5 A. Oh, it was certain information would be needed, yes.

6 498 Q. And now you have suggested almost that Sir Morris and Lady
7 Gibson almost committed suicide. But I have to put it to
8 you that there was information about them travelling and
9 where they would be left off by their garda trail car?

10 A. I wasn't aware that they had a garda trail car.

11 499 Q. 23rd July 1989, the Hanna family: That was intended, the
12 IRA statement was that that was intended to be Judge
13 Higgins?

14 A. That's right.

15 500 Q. Do you accept that Judge Higgins had used all measures for
16 his own security including hire a car and so forth at the
17 airport?

18 A. I don't know, no. But I think from that Hanna now, it's a
19 long time ago but I think, now, there was an element of
20 very bad luck insofar as that a car pulled out in front of
21 them from the Carrickdale Hotel, do you know what I mean,
22 they pulled out.

23 501 Q. All I am suggesting, sir, is again we have a high profile
24 attempted assassination that would have required
25 information?

26 A. Yes. But surely all these --

27 502 Q. Then in 1989 we have Breen and Buchanan?

28 A. But, Mr. Rafferty, can I make the point? All these things
29 were happening in Killeen, County Armagh. The RUC had
30 60,000 people. They were all being laid by bombs that were

1 coming by trip-wire switch which went for 2- or 300 yards.

2 503 Q. They will all had a cross-border component.

3 A. How do you mean the cross-border component?

4 504 Q. That the Brink's-MAT was coming from Dublin. That the
5 Gibsons were coming from the south. That the Hannas were
6 coming from the south?

7 A. Absolutely.

8 505 Q. And that Breen and Buchanan were coming from the south?

9 A. But sure the point I'm making, they were blown up by bombs
10 that were manufactured in the North, and it would take six
11 to eight hours to lay these bombs.

12 506 Q. That's right. That's exactly the point. The IRA needed
13 intelligence to lay these bombs?

14 A. Of course they did, yes. Are you suggesting that I was
15 giving it to them?

16 507 Q. Yes, I am.

17

18 MR. O'CALLAGHAN: Well you can't do, because his client
19 never suggested that Mr. Corrigan was -- let me finish --
20 Mr. Keeley, in his evidence, never suggested that
21 Mr. Corrigan was involved in any way in those atrocities,
22 so I don't think Mr. Rafferty can put it to the witness.

23

24 MR. RAFFERTY: Mr. Spratt mentioned it, Sir, in his
25 evidence to the Tribunal.

26 508 Q. Now, can I respectfully say this, with the number -- with
27 the amount of allegations that Mr. O'Callaghan put to my
28 client, can I have the latitude to change the question this
29 way: When did you retire?

30 A. Me?

1 509 Q. Yes.

2 A. 6th February '92.

3 510 Q. You went out on-the-sick in 1989?

4 A. Yeah.

5 511 Q. And all of these high profile murders stop?

6 A. Stopped?

7 512 Q. Is that a coincidence?

8 A. That's a dreadful allegation to make. A dreadful
9 allegation to make. Sure all those -- you are after
10 contradicting yourself. What are you talking about? You
11 are after outlining the Brink's-MAT and Gibsons and Hannas
12 and -- sure that was all well before '91.

13 513 Q. It all stopped in '89.

14 A. Sure it was all over... Mr. Rafferty, it was all over in
15 '89, there was no activity on the border. In fact, the
16 activity of any consequence finished around '84, '85.

17 514 Q. You see, sir, you have described the allegation that you
18 were in collusion with the IRA as a monstrous lie, isn't
19 that right?

20 A. Absolutely.

21 515 Q. I have to put it to you, sir, where Owen Corrigan is
22 concerned, there is no monstrous lies, there is only the
23 monstrous truth that you were in collusion with the IRA and
24 that you led to the murder of Breen and Buchanan; that's
25 what I'm putting to you, sir. It's more a monstrous truth
26 --

27 A. Are you finished now?

28 516 Q. Yes, I am finished. You go ahead, sir.

29 A. I'm tell you one thing. For you to make a statement for
30 somebody who spent -- I started my career on the Falls Road

1 in 1970 as an observer for the Irish Government and worked
2 tirelessly to bring peace to our country at great expense
3 to myself. And for you to come along and take my character
4 away on the word of a double agent paid for by the British
5 Army on a weekly basis with cash, who brought him over and
6 met the RUC, the British Army, MI5, supplied him with
7 £10,000 for a car in London, Mr. Chairman, and had a
8 selected garage, they nominated the garage owner, the name
9 of the man that he was to go in pay over the 10,000 and
10 take possession of the car. The car was already fitted
11 with listening devices by the British Army security agents
12 and he went to Dundalk then. And in order to top-up his
13 resources, they gave him £2,000 to get a Mr. Whippy
14 ice-cream van to go round the housing estates in Dundalk
15 where the Provos lived, and this was fitted with cameras,
16 fitted by their experts in another jurisdiction, I might
17 add. So this is the type of individual we're talking about
18 now.

19 517 Q. My client will be delighted to know that you have read his
20 book.

21 A. Yeah... well...

22 518 Q. Can I ask you, sir, when did you join An Garda Siochana?

23 A. 1960.

24 519 Q. 1960?

25 A. Yeah.

26 520 Q. And you were on observer on the Falls Road in 1970?

27 A. Yeah. On the Falls Road, and there was no volunteers to go
28 to -- '69 actually now, I'm sure you should be aware it was
29 August '69 the outburst started on the Falls Road and
30 that's when the whole troubles came to the fore.

1 521 Q. And you volunteered to go down, did you?

2 A. Yes, yes.

3 522 Q. Did anybody else volunteer to go down?

4 A. There were a couple, yeah. It was on request of the
5 government and was purely voluntary, you know.

6 523 Q. A request of the British government or a request of the
7 Irish government?

8 A. I wasn't that hard up for a job to go working for the
9 British government.

10 524 Q. No, you wouldn't be, sir. You detest the British
11 government, don't you, sir?

12 A. I have made my speak now.

13 525 Q. You detest the British government, don't you, sir? Sir, I
14 have to put it to you the only volunteer that you were was
15 a volunteer to help the IRA. Thank you very much.

16 A. Good man...

17

18 CHAIRMAN: Does that conclude...?

19

20 MR. RAFFERTY: The only reservation I have is the only
21 further use I might have for this witness is if there is
22 some further development in relation to the intelligence
23 this morning, but other than that, I am finished with him.

24

25 CHAIRMAN: Thank you very much, Mr. Rafferty.

26

27 MR. DILLON: Now, I think Mr. Corrigan has indicated that
28 he is not in a position to continue this afternoon. So, I
29 think if Mr. Durack then might continue with his
30 examination of the witness to be followed by

1 Mr. O'Callaghan, isn't that right?

2

3 MR. O'CALLAGHAN: I think Mr. Durack is finished. So it's
4 just me left.

5

6 MR. DILLON: My understanding is that he had stopped...

7

8 MR. DURACK: I had reserved my position if anything arose.

9

10 CHAIRMAN: You are finished for the moment, are you?

11

12 MR. DURACK: I am for the moment.

13

14 MR. DILLON: Then it's Mr. O'Callaghan. Eleven o'clock on
15 Monday?

16 A. That's grand.

17

18 MR. DILLON: Before we get -- how long do you expect to be?

19

20 MR. O'CALLAGHAN: I indicated at the outset I'd be three
21 hours, so if we do Monday and Wednesday, I think there is
22 light at the end of the --

23

24 CHAIRMAN: I was about to say to you, I don't want to -- I
25 respect your client's health issues and so forth, and I
26 just want to suggest that maybe you could talk to his
27 medical advisers and perhaps your cross-examination of him
28 might take a different form to what we have had in the last
29 couple of weeks. It wouldn't be as strenuous for him. It
30 may be that his doctor would allow him to give evidence for

1 longer than two hours in a day in that case.

2

3 MR. O'CALLAGHAN: I'll get my solicitor to consult with the
4 doctor.

5

6 CHAIRMAN: I am not pressing you. I am suggesting to you.

7 A. I am anxious to finish myself, Mr. Chairman.

8

9 CHAIRMAN: Do you understand I am suggesting to

10 Mr. O'Callaghan that I'm not, you know, demanding that you
11 do more than two hours...

12 A. I appreciate your difficulty to get the thing finished.

13

14 CHAIRMAN: I am just suggesting that maybe you'd find being
15 cross-examined by your own counsel would not be so
16 strenuous and you might be able to do more than two hours
17 next week. So...

18

19 MR. DILLON: Sorry, Chairman, there is one more. There is
20 Mr. 'Mooch' Blair.

21

22 COUNSEL: Chairman, I appear for Patrick Blair. I have one
23 or two formal elements of Mr. Blair's evidence to put to
24 Mr. Corrigan, but it would only take a few minutes, or a
25 minute.

26

27 MR. DILLON: Well...

28

29 CHAIRMAN: Could we do that now?

30

1 MR. DILLON: If it is very short.

2

3 COUNSEL: Yes.

4

5 CHAIRMAN: Well then I think we should try and I think
6 Mr. O'Callaghan will stop me if he feels there is any need
7 to.

8

9 **THE WITNESS WAS CROSS-EXAMINED BY COUNSEL AS FOLLOWS:**

10

11 COUNSEL: I appear for Patrick Blair and I just have one or
12 two elements of his evidence for me to put to you.

13 A. Yes.

14 526 Q. Principally by way of clarification. Mr. Rafferty has
15 described Mr. Blair as the officer in command of south
16 Down?

17 A. Yes.

18 527 Q. But he, in his evidence, stated that he was a volunteer?

19 A. Yes.

20 528 Q. And no more than that?

21 A. Yes. I will accept that.

22 529 Q. Also, Mr. Rafferty has put it that -- has described Mr.
23 Blair as the Chief bomb maker of the IRA. He denies that.

24 A. Well I don't know now. I can't comment. Any evidence of
25 his bomb making came from Mr. Blair(sic), and the point
26 that I was making in relation to Mr. Blair and I was --
27 there may be misinterpretation because Mr. Blair told
28 Mr. Keeley that he was making up a bomb in the south for
29 detonation and when the Omagh bomb went off, Mr. Keeley
30 came back, he went up obviously and told the RUC that my

1 friend, who had taken him, as I explained to you,
2 Mr. Chairman, my Friend Mr. Blair is making up a bomb and
3 it's going to be detonated in the near future somewhere in
4 Northern Ireland. So, of course, the Omagh bomb went off,
5 as we all know, and he goes back up to his handler in the
6 RUC and demanded money, he said that he had given
7 information in relation to this pending or impending bomb
8 explosion.

9 530 Q. As you know, Mr. Blair categorically denies any involvement
10 in the Omagh bombing?

11 A. Yes.

12 531 Q. Also, and finally, in his evidence, he categorically denied
13 that he knew you.

14 A. That he knew me?

15 532 Q. Yes.

16 A. That's what I was going to ask you. I was going to ask
17 you, did you ask him that, yes?

18 533 Q. That was put to him and a he categorically denies.

19 A. I am glad to hear that.

20 534 Q. No further questions.

21 A. Because I never met Mr. Blair.

22
23 CHAIRMAN: Thank you very much.

24
25 MR. DILLON: Thank you, Chairman. That concludes matters
26 for today and I think it will be eleven o'clock on Monday.

27
28 CHAIRMAN: Eleven o'clock on Monday then. Is that all
29 right? Thank you, Mr. Corrigan.

1 THE TRIBUNAL ADJOURNED TO MONDAY, 30TH JULY 2012 AT 11AM.

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